

## CHAPTER 145.

[ S. B. 166. ]

## CIVIL DEFENSE—LIABILITY—OATH.

AN ACT relating to civil defense; providing for the assumption by the state of liability for certain damages in connection therewith; amending sections 11 and 15, chapter 178, Laws of 1951; and declaring an emergency.

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

SECTION 1. Section 11, chapter 178, Laws of 1951 (uncodified), is amended to read as follows: Amendment.

(1) There shall be no liability on the part of anyone including any person, partnership, corporation, the state of Washington or any political subdivision thereof who owns or maintains any building or premises which have been designated by a local organization for civil defense as a shelter from destructive operations or attacks by enemies of the United States for any injuries sustained by any person while in or upon said building or premises, as a result of the condition of said building or premises or as a result of any act or omission, or in any way arising from the designation of such premises as a shelter, when such person has entered or gone upon or into said building or premises for the purpose of seeking refuge therein during destructive operations or attacks by enemies of the United States or during tests ordered by lawful authority, except for an act of wilful negligence by such owner or occupant or his servants, agents, or employees. Owners of buildings or premises designated as shelters; immunity from suit.

(2) All legal liability for damage to property or injury or death to persons (except a civil defense worker, regularly enrolled and acting as such), caused by acts done, or attempted, under the color of this act in a bona fide attempt to comply therewith shall be the obligation of the state of Washington. Suits may be instituted and maintained against the state for the enforcement of such liability, or for the Exception.

State assumes legal liability.

Consent to be sued.

indemnification of persons appointed and regularly enrolled as civil defense workers while actually engaged in civil defense duties, or as members of any agency of the state or political subdivision thereof engaged in civil defense activity, or their dependents, for damage done to their private property, or for any judgment against them for acts done in good faith in compliance with this act: *Provided*, That the foregoing shall not be construed to result in indemnification in any case of wilful misconduct, gross negligence or bad faith on the part of any agent of civil defense: *Provided*, That should the United States or any agency thereof, in accordance with any federal statute, rule or regulation, provide for the payment of damages to property and/or for death or injury as provided for in this section, then and in that event there shall be no liability or obligation whatsoever upon the part of the state of Washington for any such damage, death, or injury for which the United States government assumes liability.

Exceptions.

Professional,  
etc., licenses  
not required.

(3) Any requirement for a license to practice any professional, mechanical or other skill shall not apply to any authorized civil defense worker who shall, in the course of performing his duties as such, practice such professional, mechanical or other skill during a civil defense emergency.

Pension, etc.,  
rights  
preserved.

(4) The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this act, or under the workmen's compensation law, or under any pension or retirement law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

Amendment.

SEC. 2. Section 15, chapter 178, Laws of 1951 (uncodified), is amended to read as follows:

(1) No person shall be employed or associated in any capacity in any civil defense organization established under this act who advocates or has

advocated a change by force or violence in the constitutional form of the government of the United States or in this state or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization for civil defense shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this state, which oath shall be substantially as follows:

Prohibiting employment of subversives.

Oath.

“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Washington, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

“And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am a member of the (name of civil defense organization), I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence.”

(2) The director of civil defense or any civil defense official designated by him is authorized to administer the loyalty oath as required by this act.

Authority to administer.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety,

Emergency.

support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 23, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 17, 1953.

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## CHAPTER 146.

[ S. B. 168. ]

### AGRICULTURAL COMMODITIES—TRANSPORT AND SALE—WEIGHMASTERS.

AN ACT relating to agriculture; providing for the weighing of commodities transported and sold; providing for the licensing and regulation of weighmasters; and providing penalties.

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

"Director."

SECTION 1. The term "director" as used in this act means the director of agriculture or his authorized representative.

"Retail merchant."

SEC. 2. "Retail merchant" as used in this act means and includes any person operating from a bona fide fixed or permanent location at which place all of the retail business of said merchant is transacted, and whose business is exclusively retail except for the occasional wholesaling of small quantities of surplus commodities which have been taken in exchange for merchandise from the producers thereof at the bona fide fixed or permanent location.

"Bona fide fixed or permanent location."

SEC. 3. "Bona fide fixed or permanent location" as used in this act shall mean any permanent warehouse, building, or structure, at which a permanent business is carried on as such throughout the year in good faith, and at which stocks of the property being transported are produced, stored, or kept in quantities reasonably adequate for, and usually carried for the requirements of such business, and shall