

Explanatory
note.

Court decisions indicate that the inchoate right of dower, as it existed in the Washington territory prior to the law which abolished such right, is conclusively gone. See *Ebey v. Ebey*, 1 W. T. 185; *Richards v. Bellingham Bay Land Co.*, 54 F. CCA 290.

Sec. 15. The language relating to bail on arrest in civil actions has been deleted, and new matter added, see note to section 1, *supra*.

Sec. 16. The language relating to bail on arrest in civil actions has been deleted, and new matter added, see note to section 1, *supra*.

Sec. 17. The language relating to bail on arrest in civil actions has been deleted, and new matter added, see note to section 1, *supra*.

Sec. 18:

Subdivision (1): Section 748, Code of 1881 was first enacted in 1854 as part of an act to regulate practice and proceedings in civil actions and was reenacted in 1881 under a similarly entitled act. The section relates to examination of sureties and has been superseded by section 3, chapter 162, Laws of 1927 (RCW 19.72.050).

Subdivision (2): Section 750, Code of 1881 was first enacted in 1854 as part of an act to regulate practice and proceedings in civil actions and was reenacted in 1881 under a similarly entitled act. The section relates to the giving of cash bail and its only application would appear to be limited to cases of civil arrest which has been abolished. The sections covering cash bail in criminal proceedings are RCW 10.19.070 and 10.04.040.

CHAPTER 52.

[S. B. 9.]

BUSINESSES AND PROFESSIONS—REGULATION.

AN ACT relating to businesses and professions; amending section 1, chapter 75, Laws of 1923, section 1, chapter 211, Laws of 1927 and RCW 18.15.010; amending sections 3, 5 and 17, chapter 215, Laws of 1937, sections 2, 3, 4 and 9, chapter 180, Laws of 1951 and RCW 18.18.050, 18.18.060, 18.18.070, 18.18.150, 18.18.160, 18.18.170, 18.18.190, 18.18.210, 18.18.260 and 18.18.270; amending section 14, chapter 38, Laws of 1917 and RCW 18.22.160 and 18.22.180; amending section 1, chapter 240, Laws of 1943, sections 6 and 25, chapter 112, Laws of 1935, section 3, chapter 92, Laws of 1941, section 1, chapter 130, Laws of 1951, section 1, chapter 93, Laws of 1953 and RCW 18.32.020 and 18.32.030; amending section 11, chapter 112, Laws of 1935, section 3, chapter 93, Laws of 1953 and RCW 18.32.050, 18.32.060 and 18.32.170; amending section 4, chapter 112, Laws of 1935, section 2, chapter 92, Laws of 1941, section 2, chapter 130, Laws of 1951, sections 4 and 5, chapter 93, Laws of 1953 and RCW 18.32.090 through 18.32.120; amending section 9, chapter 112, Laws of 1935, section 6, chapter 93, Laws of 1953 and RCW 18.32.240 through 18.32.280; amending section 18, chapter 112, Laws of 1935, section 1, chapter 45, Laws of 1937, section 7, chapter 93, Laws of 1953 and RCW 18.32.350 and 18.32.360; amending section 18, chapter 252, Laws of 1941, section 4, chapter 118, Laws of 1943, section 7, chapter 111,

Laws of 1945, section 4, chapter 203, Laws of 1947, section 19, chapter 222, Laws of 1951, section 13, chapter 235, Laws of 1953 and RCW 18.85.180, 18.85.190, 18.85.200 and 18.85-.310; amending sections 21 and 22, chapter 252, Laws of 1941, section 6, chapter 203, Laws of 1947, section 16, chapter 235, Laws of 1953 and RCW 18.85.350 and 18.85.360; reenacting RCW 18.22.020, 18.22.060, 18.22.110, 18.85.240 and 18.85.290; repealing section 2, chapter 205, Laws of 1919; repealing section 7, chapter 75, Laws of 1923, section 6, chapter 211, Laws of 1927, section 4, chapter 209, Laws of 1929 and RCW 18.15.060; repealing section 20, chapter 38, Laws of 1917; repealing sections 1, 2, 3, and 13, chapter 5, Laws of 1919; repealing sections 1, 2, and 5, chapter 36, Laws of 1919; repealing sections 2 through 7, and 9, chapter 215, Laws of 1909; repealing chapter 235, Laws of 1909; repealing sections 3, 4, 10, 14, and 16, chapter 144, Laws of 1919; repealing sections 1, 2, 3, 7, 13, and 16, chapter 4, Laws of 1919; repealing sections 8 and 11, chapter 180, Laws of 1923; repealing sections 7, 8, 9, and 12, chapter 121, Laws of 1899; repealing sections 4 and 6, chapter 213, Laws of 1909; repealing sections 1, 2, 5, 13, and 16, chapter 192, Laws of 1909; providing penalties; and declaring an emergency.

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

SECTION 1. Section 1, chapter 75, Laws of 1923, as amended by section 1, chapter 211, Laws of 1927 and RCW 18.15.010 are each amended to read as follows:

Any one or any combination of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment, either directly or indirectly, or without payment, for the public generally upon male or female) constitutes the practice of barbering: (1) Shaving or trimming the beard or cutting the hair; (2) giving facial and scalp massage or treatments with oils, creams, lotions, or other preparations, either by hand or mechanical appliances; (3) singeing, shampooing or dyeing the hair or applying tonics; (4) applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp, face, neck or upper part of the body:

RCW 18.15.010
enacted
without
amendment.

Definition—
Practice of
barbering.

Proviso.

Provided, That the provisions of this chapter shall not apply to any person employed in, or engaged in the operation of any beauty shop or hair dressing establishment.

Combination, division and amendment.

SEC. 2. Sections 3, 5 and 17, chapter 215, Laws of 1937 as amended by sections 2, 3, 4 and 9, chapter 180, Laws of 1951 (heretofore divided, combined and codified as RCW 18.18.050, 18.18.060, 18.18.070, 18.18.150, 18.18.160, 18.18.170, 18.18.190, 18.18.210, 18.18.260, and 18.18.270) are each amended to read as set forth in sections 3 through 12 of this act.

RCW 18.18.050 enacted without amendment. Beauty culture. Operator's license—Qualifications.

SEC. 3. (RCW 18.18.050) An operator's license shall be issued to a student who: (1) Is of the age of eighteen years or over; (2) is of good moral character and temperate habits; (3) has completed two years of high school or the equivalent thereof; (4) is a citizen of the United States or declared his intention to become a citizen; (5) has completed a course of training of not less than two thousand hours in a recognized beauty school, such training not to exceed eight hours in any one day; and (6) who has satisfactorily passed the hairdressing and beauty culture examination in this state.

RCW 18.18.060 enacted without amendment.

SEC. 4. (RCW 18.18.060) An owner may be licensed without examination, but shall not engage in the practice of hairdressing and beauty culture unless licensed as a manager operator, or owner operator.

RCW 18.18.070 enacted without amendment. School license—Qualifications.

SEC. 5. (RCW 18.18.070) No person shall be licensed to conduct a school unless it appears to the director: (1) That the school will maintain the course of instruction herein provided; (2) that instruction in the school at all times is in charge of and under the supervision of a manager operator; (3) that the school will at all times maintain one instructor for each ten students or fraction thereof;

and (4) that at no time does a school have less than two instructors.

SEC. 6. (RCW 18.18.150) Every person licensed under this chapter shall display his license in plain view in the place where he engages in the practice for which the license was issued.

RCW 18.18.150
enacted
without
amendment.

SEC. 7. (RCW 18.18.160) Every owner, manager, and operator licensed under this chapter, within thirty days after changing his place of residence or business as recorded upon the records of the director, shall notify the director in writing of his new place of residence or business.

RCW 18.18.160
enacted
without
amendment.

SEC. 8. (RCW 18.18.170) Every license authorizing a person to conduct a shop shall be issued only in the name of the person owning or conducting the shop, to which may be added the trade name, under which the owner conducts his shop.

RCW 18.18.170
enacted
without
amendment.

No school and shop shall be maintained in the same location; nor shall there be any connecting entrance.

SEC. 9. (RCW 18.18.190) The courses of instruction in every school shall comprise at least the following:

RCW 18.18.190
enacted
without
amendment.
Schools—
Courses of
instruction.

- (1) Shampooing, soap and dry;
- (2) Care of the face and massaging, including make up and care of eyebrows and lashes;
- (3) Care of the scalp and massaging, rinses and packs;
- (4) Hair coloring and bleaching;
- (5) Permanent waving;
- (6) Iron curling or waving;
- (7) Finger waving;
- (8) Hair fashioning;
- (9) Manicuring;
- (10) Hairdressing as it appertains to iron curling or waving, permanent waving, and finger waving;

- (11) Electricity as applied to cosmetology, and the use and application of electrical appliances;
- (12) The reading of law on beauty culture of the state of Washington;
- (13) Shop management, ownership, and business ethics.

RCW 18.18.210
enacted
without
amendment.
Schools—
Regulations
governing.

SEC. 10. (RCW 18.18.210) Every school shall cause the word "school" to appear conspicuously on its literature and advertising matter, and to be painted in letters at least four inches high on all doors leading to the school, which are open to the public generally.

Every school shall have available for every twenty-five students, subject to other requirements by the director, at least: Three shampoo bowls; three hair dryers; two facial chairs; ten curling iron heaters; one sterilizer; one steamer; one croquignole wind permanent wave machine and other permanent wave equipment.

No charge shall be made for student work until the student has completed four hundred hours of instruction and practice.

RCW 18.18.260
enacted
without
amendment.
Unlawful
practices.

SEC. 11. (RCW 18.18.260) No person shall engage in the practice of hairdressing, and beauty culture in any place other than a hairdressing and beauty culture shop or school, except in case of his own family or in case of a person whose physical condition prevents his presence at a shop or school.

No person shall sleep in, or use for residential purposes, any room used wholly or in part as a hairdressing and beauty culture shop, nor engage in hairdressing and beauty culture in any room used for sleeping or residential purposes.

Every hairdressing and beauty culture shop shall maintain an outside entrance separate from the entrances to rooms used for sleeping or residential purposes.

No person other than an operator in demonstrat-

ing, or instructing in the use of any cosmetics or supplies of any kind, shall engage in any of the acts enumerated in RCW 18.18.010 and 18.18.190.

No student shall engage in the practice of hair-dressing and beauty culture except in a school under the direct supervision of an instructor.

SEC. 12. (RCW 18.18.270) Every person shall be guilty of a misdemeanor who: (1) Violates any of the provisions of this chapter or any regulation lawfully promulgated by the director; or, (2) permits any person in his employ or under his supervision or control to practice hairdressing and beauty culture without a license where one is required by this chapter; or, (3) attempts to obtain a license by fraudulent means. Each and every day on which such violation occurs shall constitute a separate offense.

RCW 18.18.270
enacted
without
amendment.

SEC. 13. RCW 18.22.020 is reenacted to read as follows:

RCW 18.22.020
reenacted
without
amendment.

It shall be unlawful for any person to practice chiropody in this state unless he first has obtained a license therefor.

SEC. 14. RCW 18.22.060 is reenacted to read as follows:

RCW 18.22.060
reenacted
without
amendment.

Every applicant for a license to practice chiropody shall pay to the state treasurer a fee of thirty-five dollars.

Application
fee.

An applicant who fails to pass an examination satisfactorily after the expiration of six months from the date of the examination at which he failed, is entitled to a reexamination at a meeting called for the examination of applicants, upon the payment of a fee of fifteen dollars for each reexamination.

SEC. 15. RCW 18.22.110 is reenacted to read as follows:

RCW 18.22.110
reenacted
without
amendment.

Every holder of a chiropody license shall keep his license on exhibition in a conspicuous place in his office or place of business.

Division and
amendment.

SEC. 16. Section 14, chapter 38, Laws of 1917 (heretofore divided and codified as RCW 18.22.160 and 18.22.180) is divided and amended to read as set forth in sections 17 and 18 of this act.

RCW 18.22.160
enacted
without
amendment.

SEC. 17. (RCW 18.22.160) If the director refuses to grant a chiropody license or revokes or suspends one, he shall file in the records of his office a concise statement of the grounds and reasons for his refusal, revocation or suspension. This statement, together with his decision in writing, shall remain a permanent record.

RCW 18.22.180
deleted.

SEC. 18. (RCW 18.22.180)

Combination,
division and
amendment.

SEC. 19. Section 1, chapter 240, Laws of 1943, sections 6 and 25, chapter 112, Laws of 1935, section 3, chapter 92, Laws of 1941 as amended by section 1, chapter 130, Laws of 1951 and section 1, chapter 93, Laws of 1953 (heretofore divided, combined and codified as RCW 18.32.020 and 18.32.030) are amended to read as set forth in sections 20 and 21 of this act.

RCW 18.32.020
enacted
without
amendment.

Definition—
Practice of
dentistry.

SEC. 20. (RCW 18.32.020) A person practices dentistry, within the meaning of this chapter, who (1) represents himself as being able to diagnose, treat, remove stains and concretions from teeth, operate or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, alveolar process, gums, or jaw, or (2) offers or undertakes by any means or methods to diagnose, treat, remove stains or concretions from teeth, operate or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the same, or take impressions of the teeth or jaw, or (3) owns, maintains or operates an office for the practice of dentistry, or (4) engages in any of the practices included in the curricula of recognized and approved dental schools or colleges.

The fact that a person uses any dental degree, or

designation, or any card, device, directory, poster, sign, or other media whereby he represents himself to be a dentist, shall be prima facie evidence that such person is engaged in the practice of dentistry.

Definition—
Practice of
dentistry.

X-ray diagnosis as to the method of dental practice in which the diagnosis and examination is made of the normal and abnormal structures, parts or functions of the human teeth, the alveolar process, maxilla, mandible or soft tissues adjacent thereto, is hereby declared to be the practice of dentistry. Any person other than a regularly licensed physician or surgeon who makes any diagnosis or interpretation or explanation, or attempts to diagnose or to make any interpretation or explanation of the registered shadow or shadows of any part of the human teeth, alveolar process, maxilla, mandible or soft tissues adjacent thereto by the use of x-ray is declared to be engaged in the practice of dentistry, medicine or surgery.

SEC. 21. (RCW 18.32.030) The following practices, acts and operations are excepted from the operation of the provisions of this chapter:

RCW 18.32.030
amended.

(1) The rendering of dental relief in emergency cases in the practice of his profession by a physician or surgeon, licensed as such and registered under the laws of this state, unless he undertakes to or does reproduce lost parts of the human teeth in the mouth or to restore or replace in the human mouth lost or missing teeth;

Dentistry.
Exemptions
from statute.

(2) The practice of dentistry in the discharge of official duties by dentists in the United States army, navy, public health service, veterans' bureau, or bureau of Indian affairs;

(3) Dental schools or colleges approved by the board, and the practice of dentistry by students in dental schools or colleges approved by the board, when acting under the direction and supervision of registered and licensed dentists acting as instructors;

Dentistry.
Exemptions
from statute.

(4) The practice of dentistry by licensed dentists of other states or countries while appearing as clinicians at meetings of the Washington state dental association, or component parts thereof, or at meetings sanctioned by them;

(5) The use of roentgen and other rays for making radiograms or similar records of dental or oral tissues, under the supervision of a licensed dentist or physician;

(6) The making, repairing, altering or supplying of artificial restorations, substitutes, appliances, or materials for the correction of disease, loss, deformity, malposition, dislocation, fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts; providing the same are made, repaired, altered or supplied pursuant to the written instructions and order of a licensed dentist which may be accompanied by casts, models or impressions furnished by said dentist, and said prescriptions shall be retained and filed for a period of not less than three years and shall be available to and subject to the examination of the director of licenses or his authorized representatives;

(7) The removal of calcareous deposits, accretions and stains from the exposed surfaces of the teeth and prescription or application of ordinary mouth washes of soothing character when performed or prescribed by a dental hygienist licensed under the laws of this state;

(8) A qualified and licensed physician and surgeon extracting teeth or performing oral surgery;

(9) A legal practitioner of another state making a clinical demonstration before a medical or dental society, or at a convention approved by the Washington state medical or dental association or Washington progressive dental society;

(10) Students practicing or performing dental

operations, under the supervision of competent instructors, in any reputable dental college.

SEC. 22. Section 11, chapter 112, Laws of 1935 as amended by section 3, chapter 93, Laws of 1953 (heretofore divided and codified as RCW 18.32.050, 18.32.060 and 18.32.170) are amended to read as set forth in sections 23 through 25 of this act.

Division and amendment.

SEC. 23. (RCW 18.32.050) The members of the board shall each receive as compensation the sum of fifteen dollars for each day actually engaged in the duties of the office, and all legitimate and necessary expenses incurred in attending the meetings of the board.

RCW 18.32.050 enacted without amendment.

SEC. 24. (RCW 18.32.060) The board shall make an annual report of its proceedings to the governor by the fifteenth day of December of each year, together with an account of all moneys received and disbursed by it.

RCW 18.32.060 enacted without amendment.

SEC. 25. (RCW 18.32.170) A fee of five dollars shall be charged for every duplicate license issued by the director.

RCW 18.32.170 enacted without amendment.

SEC. 26. Section 4, chapter 112, Laws of 1935 and section 2, chapter 92, Laws of 1941 as amended by section 2, chapter 130, Laws of 1951 and sections 4 and 5, chapter 93, Laws of 1953 (heretofore divided and codified as RCW 18.32.090, 18.32.100, 18.32.110 and 18.32.120) is divided and amended to read as set forth in sections 27 through 30 of this act.

Division and amendment.

SEC. 27. (RCW 18.32.090) No person, unless previously registered or licensed to practice dentistry in this state, shall begin the practice of dentistry or dental surgery, or any branches thereof, without first applying to, and obtaining a license therefor from the director.

RCW 18.32.090 enacted without amendment.

SEC. 28. (RCW 18.32.100) The applicant for a dentistry license shall file an application on a form furnished by the director, and therein state his name,

RCW 18.32.100 enacted without amendment.

Dentistry.
License appli-
cation—
Citizenship of
applicant.

age, place of residence, citizenship, the name of the school or schools attended by him, the period of such attendance, the date of his graduation, whether he has ever been suspended or disbarred from the practice of dentistry, and shall include a statement of all of his dental activities for the previous five years.

The application shall be signed by the applicant and sworn to by him before some person authorized to administer oaths, and shall be accompanied by testimonials of his moral character, and proof of his school attendance and graduation.

Said applicant at the time of making application must, in addition to other requisites, be a citizen of the United States or have first papers for naturalization.

RCW 18.32.110
enacted
without
amendment.

SEC. 29. (RCW 18.32.110) Each applicant shall pay a fee of twenty-five dollars, which shall accompany his application.

RCW 18.32.120
enacted
without
amendment.

SEC. 30. (RCW 18.32.120) When the application and the accompanying proof are found satisfactory, the director shall notify the applicant to appear before the board at a time and place to be fixed by the director, which time shall be not less than sixty days after the receipt of such application by the director.

Dentistry.
Examination
requirements.

Examination shall be made in writing in all theoretic subjects. Both theoretic and practical examinations shall be of a character to give a fair test of the qualifications of the applicant to practice dentistry or dental surgery.

The examination papers, and all grading thereon, and the grading of the practical work, shall be deemed public documents, and preserved for a period of not less than three years after the board has made and published its decisions thereon. All examinations shall be conducted by the board under fair and wholly impartial methods.

Any applicant who fails to make the required grade in his first examination is entitled to take as

many subsequent examinations as he desires upon the prepayment of a fee of twenty-five dollars for each subsequent examination. At least two examinations shall be given in each calendar year.

SEC. 31. Section 9, chapter 112, Laws of 1935 as amended by section 6, chapter 93, Laws of 1953 (heretofore divided and codified as RCW 18.32.240 through 18.32.280) is divided and amended to read as set forth in sections 32 through 36 of this act.

Division and
amendment.

SEC. 32. (RCW 18.32.240) In all proceedings for the revocation or suspension of a license, the holder of the license shall be given twenty days' notice in writing by the director. The notice shall specify the offenses with which the accused person is charged, and shall also give the day and place where the hearing is to be held. The hearing shall be held in the city of Olympia, unless a different place is fixed by the director.

RCW 18.32.240
enacted
without
amendment.

SEC. 33. (RCW 18.32.250) The director may issue subpoenas to compel the attendance of witnesses, or the production of books or documents. The accused shall have opportunity to make his defense, and may have such subpoenas issued as he desires. Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath which may be administered by the director. Testimony shall be taken in writing, and may be taken by deposition under such rules as the director may prescribe.

RCW 18.32.250
enacted
without
amendment.

SEC. 34. (RCW 18.32.260) The committee appointed for that purpose shall hear and determine the charges, make findings and conclusions upon the evidence produced, and file them in the director's office, together with a transcript of all of the evidence, and serve upon the accused a copy of such findings and conclusions.

RCW 18.32.260
enacted
without
amendment.

RCW 18.32.270
enacted
without
amendment.

SEC. 35. (RCW 18.32.270) The revocation or suspension of a license shall be in writing signed by the director, stating the grounds upon which such order is based and the aggrieved person shall have the right to appeal from such order within fifteen days after a copy thereof is served upon him, to the superior court of Thurston county, which shall hear the matter de novo. In such appeal the entire record shall be certified by the director to the court, and the review on appeal shall be confined to the evidence adduced at the hearing before the director.

RCW 18.32.280
enacted
without
amendment.

SEC. 36. (RCW 18.32.280) An appeal shall lie to the supreme court from the judgment of the superior court as provided in other civil cases.

Division and
amendment.

SEC. 37. Section 18, chapter 112, Laws of 1935, section 1, chapter 45, Laws of 1937, as amended by section 7, chapter 93, Laws of 1953 (heretofore divided and codified as RCW 18.32.350 and 18.32.360) is divided and amended to read as set forth in sections 38 and 39 of this act.

RCW 18.32.350
enacted
without
amendment.

Dentistry.
Unlawful
practice—
Employing
unlicensed
dentist—
Penalty.

SEC. 38. (RCW 18.32.350) No manager, proprietor, partnership, or association owning, operating, or controlling any room, office, or dental parlors, where dental work is done, provided, or contracted for, shall employ or retain any unlicensed person or dentist as an operator; nor shall fail, within ten days after demand made by the director or board in writing sent by registered mail, addressed to any such manager, proprietor, partnership, or association at said room, office, or dental parlor, to furnish the director or board with the names and addresses of all persons practicing or assisting in the practice of dentistry in his place of business or under his control, together with a sworn statement showing by what license or authority said persons are practicing dentistry.

The sworn statement shall not be used as evidence in any subsequent court proceedings, except

in a prosecution for perjury connected with its execution.

Any violation of the provisions of this section shall constitute improper, unprofessional, and dishonorable conduct; it shall also constitute grounds for injunction proceedings as provided by this chapter and in addition shall constitute a gross misdemeanor, except that the failure to furnish the information as may be requested in accordance with this section shall constitute a misdemeanor.

SEC. 39. (RCW 18.32.360) It shall be unlawful for any person to practice dentistry under any name, except his own, which shall be that used in his license issued by the director: *Provided*, That this shall not apply to any person who was practicing dentistry in this state on March 20, 1935, under an association or trade name.

RCW 18.32.360
enacted
without
amendment.

Proviso.

Dentistry.
Unlawful
practice—
Names used—
Advertising—
Penalty.

It shall be unlawful for any person to conduct a dental office in his name, or to advertise his name in connection with any dental offices, unless he is personally present therein operating as a dentist, or personally overseeing the operations performed in any office, during most of the time that that office is being operated: *Provided*, That this section shall not prohibit any person from continuing to conduct any offices legally conducted in this state on March 20, 1935.

Proviso.

Any violation of the provisions of this section shall constitute improper, unprofessional and dishonorable conduct; it shall also constitute grounds for injunction proceedings as provided by this chapter, and in addition shall constitute a gross misdemeanor.

SEC. 40. Section 18, chapter 252, Laws of 1941, section 4, chapter 118, Laws of 1943, section 7, chapter 111, Laws of 1945, section 4, chapter 203, Laws of 1947 as amended by section 19, chapter 222, Laws of 1951 and section 13, chapter 235, Laws of 1953

Division and
amendment.

(heretofore divided and codified as RCW 18.85.180, 18.85.190, 18.85.200 and 18.85.310) are divided and amended to read as set forth in sections 41 through 44 of this act.

RCW 18.85.180
enacted
without
amendment.

SEC. 41. (RCW 18.85.180) Every licensed real estate broker must have and maintain an office in this state accessible to the public which shall serve as his office for the transaction of business. Any office so established must comply with the zoning requirements of city or county ordinances and the broker's license must be prominently displayed therein.

RCW 18.85.190
enacted
without
amendment.

SEC. 42. (RCW 18.85.190) A real estate broker may apply to the director for authority to establish one or more branch offices under the same name as the main office upon the payment of five dollars for each branch office. The director shall issue a duplicate license for each of the branch offices showing the location of the main office and the particular branch. Each duplicate license shall be prominently displayed in the office for which it is issued. Each branch office shall be required to have at least one licensed broker authorized by the designated broker to perform the duties of a broker as herein described.

Real estate
brokers.
Licenses—
Branch
offices.

RCW 18.85.200
enacted
without
amendment.

SEC. 43. (RCW 18.85.200) Notice in writing shall be given to the director of any change by a real estate broker of his business location or of any branch office. Upon the surrender of the original license for the business or the duplicate license applicable to a branch office, and the payment of a fee of one dollar, the director shall issue a new license or duplicate license, as the case may be, covering the new location.

RCW 18.85.310
enacted
without
amendment.

SEC. 44. (RCW 18.85.310) Every licensed real estate broker shall keep adequate records of all real estate transactions handled by or through him. The records shall include, but are not limited to, a copy

of the earnest money receipt, and an itemization of the broker's receipts and disbursements with each transaction. These records and all other records hereinafter specified shall be open to inspection by the director or his authorized representatives.

Real estate
brokers.
Broker's
records.

Every real estate broker shall also deliver or cause to be delivered to all parties signing the same, at the time of signing, conformed copies of all earnest money receipts, listing agreements and all other like or similar instruments signed by the parties, including the closing statement.

Delivery of
copies.

Every real estate broker shall also keep separate real estate fund accounts in a recognized Washington state depository authorized to receive funds in which shall be kept separate and apart and physically segregated from licensee broker's own funds, all funds or moneys of clients which are being held by such licensee broker pending the closing of a real estate sale or transaction, or which have been collected for said client and are being held for disbursement for or to said client and such funds shall be deposited not later than the first banking day following receipt thereof.

Separate
funds.

Any violation by a real estate broker of any of the provisions of this section, or RCW 18.85.230, shall be grounds for revocation of the licenses issued to the broker.

SEC. 45. RCW 18.85.240 is reenacted to read as follows:

RCW 18.85.240
reenacted
without
amendment.

The director may deputize one or more of his assistants to perform his duties with reference to refusal, revocation or suspension of licenses, including the power to preside at hearings and to render decisions therein subject to the approval of the director.

SEC. 46. RCW 18.85.290 is reenacted to read as follows:

RCW 18.85.290
reenacted
without
amendment.

The superior court to which the appeal is taken

Real estate
brokers. Hear-
ing the appeal
—Determina-
tions.

shall summarily hear and determine the question involved upon the appeal, and such determination shall be based solely on the transcript of the record. Should the court find that the director has exceeded his authority or that his findings are not supported by a fair preponderance of the evidence, the order of the director shall be reversed or modified.

If said appellant shall fail to perfect his appeal or fail to pay the expense of preparing the transcript as provided herein, said stay of proceedings shall automatically terminate.

Further
appeal.

An appeal may be taken by an appellant whose license has been revoked or suspended by the director, from the final order of the superior court. The proceedings on appeal to the supreme court shall be limited to a review of the proceedings by the director and the superior court in the same manner and subject to the same procedure and requirements as provided for in the case of an appeal in a civil action from a judgment of the superior court of this state.

Combination,
division and
amendment.

SEC. 47. Sections 21 and 22, chapter 252, Laws of 1941 as amended by section 6, chapter 203, Laws of 1947 and section 16, chapter 235, Laws of 1953 (heretofore divided, combined and codified as RCW 18.85.350 and 18.85.360) are amended to read as set forth in sections 48 and 49 of this act.

RCW 18.35.350
enacted
without
amendment.

SEC. 48. (RCW 18.85.350) The director may prefer a complaint for violation of any section of this chapter before any court of competent jurisdiction.

Real estate
brokers.
Enforcement
provisions.

The prosecuting attorney of each county shall prosecute any violation of the provisions of this chapter which occurs in his county, and if the prosecuting attorney fails to act, the director may request the attorney general to take action in lieu of the prosecuting attorney.

Process issued by the director shall extend to all parts of the state, and may be served by any

person authorized to serve process of courts of record.

The director may petition the superior court in any county in this state for the immediate appointment of a receiver to take over, operate or close any real estate office in this state which is found, upon inspection of its books and records to be operating in violation of the provisions of this chapter, pending a hearing as herein provided.

SEC. 49. (RCW 18.85.360) The director may administer oaths; certify to all official acts; subpoena and bring before him any person in this state as a witness; compel the production of books and papers; and take the testimony of any person by deposition in the manner prescribed for procedure of the superior courts in civil cases, in any hearing in any part of the state.

RCW 18.85.360
enacted
without
amendment.

Real estate
brokers. Wit-
nesses—Depo-
sitions.

Each witness, who appears by order of the director, shall receive for his attendance the fees and mileage allowed to a witness in civil cases in the superior court. Witness fees shall be paid by the party at whose request the witness is subpoenaed.

Fees.

If a witness, who has not been required to attend at the request of any party, is subpoenaed by the director, his fees and mileage shall be paid from funds appropriated for the use of the real estate department in the same manner as other expenses of the department are paid.

Subpoenas.

SEC. 50. The following sections are repealed:

Repeal.

- (1) Section 2, chapter 205, Laws of 1919;
- (2) Section 7, chapter 75, Laws of 1923, section 6, chapter 211, Laws of 1927, section 4, chapter 209, Laws of 1929 and RCW 18.15.060;
- (3) Section 20, chapter 38, Laws of 1917;
- (4) Sections 1, 2, 3, and 13, chapter 5, Laws of 1919;
- (5) Sections 1, 2, and 5, chapter 36, Laws of 1919;

Repeal.

- (6) Sections 2 through 7, and 9, chapter 215, Laws of 1909;
- (7) Chapter 235, Laws of 1909;
- (8) Sections 3, 4, 10, 14, and 16, chapter 144, Laws of 1919;
- (9) Sections 1, 2, 3, 7, 13, and 16, chapter 4, Laws of 1919;
- (10) Sections 8 and 11, chapter 180, Laws of 1923;
- (11) Sections 7, 8, 9, and 12, chapter 121, Laws of 1899;
- (12) Sections 4 and 6, chapter 213, Laws of 1909; and
- (13) Sections 1, 2, 5, 13, and 16, chapter 192, Laws of 1909.

Emergency.

SEC. 51. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 12, 1957.

Passed the House February 28, 1957.

Approved by the Governor March 8, 1957.

Explanatory note.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.)

The Statute Law Committee in review of Title 18 of the Revised Code of Washington has noted several instances where a session law section has been divided into two or more RCW sections, or two or more session law sections have been divided and combined into two or more RCW sections, and the legislature has subsequently amended one or more, but less than all, of the RCW sections derived from the session law section or sections.

One of the purposes of this bill is to enact the RCW sections, thereby ratifying the division or combining of the session law section or sections into several code sections, and curing any possible defect arising from the amendment of less than the whole session law section or sections.

In each of the enacting sections the RCW language is used as the basic language.

This note applies to sections 2 through 15 and 19 through 49 of this reviser's correction bill.

Section 1. Section 7, chapter 313, Laws of 1955 repealed the provision requiring licensing of hair cutters in beauty parlors. The proviso of section 1, chapter 211, Laws of 1927 reads as follows:

"Provided, That the provisions of this act shall not apply to any person employed in, or engaged in the operation of, any beauty shop or hair dressing establishment, except as to the cutting of

hair in such establishments, for which provision is hereinafter made."

Explanatory
note.

As RCW 18.15.010 omitted the portion of this section beginning with "except as to", the enactment of this section reaches the desired result of removing from this section the requirement that hair cutters in beauty shops be licensed as barbers, as this requirement was repealed by 1955 c 313 § 7.

Sections 2 through 12. 1937 c 215 §§ 3, 5, and 17 were divided and combined by the 1941 Code Committee into RCW 18.18.050, 18.18.060, 18.18.070, 18.18.150, 18.18.160, 18.18.170, 18.18.190, 18.18.210, 18.18.260 and 18.18.270. RCW 18.18.050, 18.18.060, 18.18.070, and 18.18.210 were subsequently amended by 1951 c 180.

Sections 13 and 15. 1917 c 38 §§ 2 and 11 were divided and combined by the 1941 Code Committee into RCW 18.22.020, 18.22.090 and 18.22.110. RCW 18.22.090 was subsequently repealed by 1955 c 149 § 15.

Section 14. 1921 c 120 §§ 5 and 9 were divided and combined by the 1941 Code Committee into RCW 18.22.060 and 18.22.120. RCW 18.22.120 was subsequently amended by 1955 c 149 § 6.

Sections 16 through 18. 1917 c 38 § 14 was divided by the 1941 Code Committee into RCW 18.22.160 and 18.22.180. RCW 18.22.180 relates to notification of the clerk of the county wherein the license is recorded of the fact of revocation and is in effect repealed by this amendment because the requirement for recording a license to practice chiropody with the county clerk was repealed by 1955 c 149 § 15.

Sections 19 through 21. 1943 c 240 § 1, 1935 c 112 §§ 6 and 25, and 1941 c 92 § 3 were divided and combined by the 1941 Code Committee into RCW 18.32.020 and 18.32.030. RCW 18.32.030 was subsequently amended by 1951 c 130 § 1 and 1953 c 93 § 1.

Sections 22 through 30. 1935 c 112 § 4 as amended by 1941 c 92 § 2 was divided into RCW 18.32.050, 18.32.060 and 18.32.170. RCW 18.32.050 was subsequently amended by 1953 c 93 § 3.

Sections 26 through 30. 1935 c 112 § 4 as amended by 1941 c 92 § 2 was divided by the 1941 Code Committee into RCW 18.32.090, 18.32.100, 18.32.110 and 18.32.120. RCW 18.32.100 and 18.32.120 were subsequently amended by 1953 c 93 §§ 4 and 5.

Sections 31 through 36. 1935 c 112 § 9 was divided by the 1941 Code Committee into RCW 18.32.240, 18.32.250, 18.32.260, 18.32.270 and 18.32.280. RCW 18.32.260 was subsequently amended by 1953 c 93 § 6.

Sections 37 through 39. 1935 c 112 § 18 as amended by 1937 c 45 § 1 was divided by the 1941 Code Committee into RCW 18.32.350 and 18.32.360. RCW 18.32.350 was subsequently amended by 1953 c 93 § 7.

Sections 40 through 44. 1941 c 252 § 18 as amended by 1943 c 118 § 4 as amended by 1945 c 111 § 7 as amended by 1947 c 203 § 4 was divided by the 1941 Code Committee into RCW 18.85.180, 18.85.190, 18.85.200 and 18.85.310. RCW 18.85.310 was subsequently amended by 1953 c 235 § 13.

Sections 45 and 46. 1941 c 252 § 20 was divided by the 1941 Code Committee into RCW 18.85.240, 18.85.250, 18.85.260, 18.85.270, 18.85.280 and 18.85.290. RCW 18.85.250, 18.85.260, 18.85.270 and 18.85.280 were repealed by 1951 c 222 § 28 and 18.85.290 was subsequently amended by 1951 c 222 § 17.

Sections 47 through 49. 1941 c 252 §§ 21 and 22 as amended by 1947 c 203 § 6 was divided and combined by the 1941 Code Committee into RCW 18.85.350 and 18.85.360. RCW 18.85.350 was subsequently amended by 1953 c 235 § 16.

Section 50. The repeal of many of the sections contained in this repealing section is necessary as they relate to the different professional licensing boards and procedures for licensing in existence prior to the 1921 Administrative Code. These boards were abolished by 1921 c 7 § 135 and their powers and duties were transferred to the director of licenses by 1921 c 7 § 96. See Chapter 43.24 RCW for present licensing procedure by the director of licenses.

Explanatory
note.

Subd. (1). 1919 c 205 § 2 relates to membership, per diem, etc., of the abolished board of architect examiners.

Subd. (2). 1929 c 209 § 4 and RCW 18.15.060 provide for license renewal fees for the practice of hair cutting in beauty parlors. Since the requirement for a license to practice hair cutting in beauty parlors was repealed by 1955 c 313 § 7, this section is no longer applicable.

Subd. (3). 1917 c 38 § 20 relates to membership, per diem, quarters, etc., of the abolished board of chiropody examiners.

Subd. (4). 1919 c 5 §§ 1, 2, 3, and 13 relate to creation, membership, meeting, bonding, etc., of the abolished board of chiropractic examiners.

Subd. (5). 1919 c 36 §§ 1, 2, and 5 relate to the membership, oaths of office, per diem, etc., of the abolished board of drugless examiners.

Subd. (6). 1909 c 215 §§ 3 through 7, and 9 relate to the membership, officers, per diem, bonds, etc., of the abolished state embalmers' examining board. 1909 c 215 § 2 is a definition of embalming which has been superseded by 1937 c 108 § 1 (RCW 18.39.010).

Subd. (7). 1909 c 235 relates to optometry licensing laws which have been superseded by 1919 c 144 and 1937 c 155.

Subd. (8). 1919 c 144 §§ 3, 4, 10, 14, and 16 relate to creation, membership, bonds, per diem, etc., of the abolished state optometry board.

Subd. (9). 1919 c 4 §§ 1, 2, 3, 7, 13, and 16 relate to the creation, membership, oaths, bonds, etc., of the abolished board of osteopathic examiners.

Subd. (10). 1923 c 180 § 8 relates to application fees for pharmacists and is superseded by 1949 c 153 § 1. 1923 c 180 § 11 is the rule making power of the director of licenses which was transferred to the new board of pharmacy by 1935 c 98 § 3.

Subd. (11). 1899 c 121 §§ 7, 8, 9, and 12 relate to the membership, officers, per diem, etc., of the old abolished board of pharmacy.

Subd. 12. 1909 c 213 §§ 4 and 6 relate to the membership, salaries, etc., of the old abolished board of pharmacy.

Subd. (13). 1909 c 192 §§ 1, 2, 5, 13, and 16 relate to the creation, membership, conduct, etc., of the abolished board of medical examiners.