

newal of a license or permit pursuant to city or town ordinance and where said city or town makes a direct contribution to said health district, unless such city or town expressly consents thereto.

Passed the House March 13, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

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## CHAPTER 122.

[ H. B. 211. ]

### HORTICULTURAL PLANTS AND PRODUCTS— STANDARDS, GRADES AND PACKS.

AN ACT relating to horticulture; providing standards, grades, and packs for horticultural plants and products; providing for certain fees and procedures; providing penalties; repealing sections 15.16.010 through 15.16.490, chapter 11, Laws of 1961 and RCW 15.16.010 through 15.16.490; and making an effective date.

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

SECTION 1. The purpose of this act is to provide uniform grades and standards for horticultural plants and products and to provide for the inspection of such horticultural plants or products in the state of Washington. This act is important and vital to the maintenance of a high level of public health and welfare of the citizens of this state by protecting the national and international reputation of horticultural plants and products grown and shipped from this state and protecting the citizens of this state from the importation and sale of ungraded, immature, and inferior horticultural plants and products so as to prevent a condition conducive to substitution, confusion, deception, and fraud, a condition which if permitted to exist would tend to interfere with the orderly and fair marketing of horticultural plants and products

Horticultural  
plants,  
products—  
Standards,  
grades, packs.  
Purpose.

essential to the well being of the citizens of this state. It is hereby declared that this act is enacted in the exercise of the police power of this state for the purpose of protecting the immediate and future health, safety, and general welfare of the citizens of this state.

Horticultural  
plants,  
products—  
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grades, packs.  
Definitions.

SEC. 2. For the purpose of this act:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly authorized representative.

(3) "Person" means a natural person, individual, or firm, partnership, corporation, company, society, and association, and every officer, agent, or employee thereof. This term shall import either the singular or plural, as the case may be.

(4) "Horticultural plant or product" includes, but is not limited to, any horticultural, floricultural, viticultural, olericultural plant, growing or otherwise, and their products whether grown above or below the ground's surface.

(5) "Horticultural facilities" means, but is not limited to, the premises where horticultural plants and products are grown, stored, handled, or delivered for sale or transportation, and all vehicles and equipment, whether aerial or surface, used to transport such horticultural plants or products.

(6) "Deceptive pack" means the pack of any container which has in the outer layer or any exposed surface, horticultural plants or products which are in quality, size, condition, or any other respect so superior to those in the interior of the container in the unexposed portion as to materially misrepresent the contents. Such pack is deceptive when the outer or exposed surface is composed of horticultural plants or products whose size is not an accurate representation of the variation of the size of such horticultural plants or products in the entire container, even

though such horticultural plants or products in the container are virtually uniform in size or comply with the specific horticultural plant or product for which the director in prescribing standards for grading and classifying has prescribed size variations or if such size variations are prescribed by law.

(7) "Deceptive arrangement or display" of any horticultural plants or products, means any bulk lot or load, arrangement or display of such horticultural plants or products which has in the exposed surface, horticultural plants or products which are so superior in quality, size, condition, or any other respect to those which are concealed, or the unexposed portion, as to materially misrepresent any part of such bulk lot or load, arrangement, or display.

(8) "Mislabel" means the placing or presence of any false or misleading statement, design, or device upon any container, or upon the label or lining of any such container, or upon the wrapper of any horticultural plants or products, or upon any such horticultural plants or products, or any placard used in connection therewith and having reference to such horticultural plants or products. A statement, design, or device is false or misleading when the horticultural plant or product or container to which it refers does not conform to such statement.

(9) "Container" means any container, subcontainer used within a container, or any type of a container used to prepackage any horticultural plants or products: *Provided*, That this does not include containers used by a retailer to package such horticultural plants or products sold from a bulk display to a consumer. Proviso.

(10) "Agent" means broker, commission merchant, auctioneer, solicitor, seller, or consignor, and any other person acting upon the actual or implied authority of another.

Horticultural plants, products— Standards, grades, packs. Definitions.

(11) "Inspection and certification" means, but is not limited to, the inspection of any horticultural plant or product at any time prior to, during, or subsequent to harvest, by the director, and the issuance by him of a written permit to move or sell or a written certificate stating the grade, classification, and if such horticultural plants or products are free of plant pests and/or other defects.

(12) "Plant pests" means, but is not limited to, any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substance, which can directly or indirectly injure or cause disease or damage in any plant or parts thereof, or any processed, manufactured, or other products of plants.

Enforcement— Rules, hearing on.

SEC. 3. (1) The director shall enforce and carry out the provisions of this act and may adopt the necessary rules to carry out its purpose. The adoption of rules shall be subject to the provisions of chapter 34.04 RCW, concerning the adoption of rules, as enacted or hereafter amended.

(2) The director shall, whenever he considers the adoption of rules or amendments to existing rules, consult with growers, associations of growers, or other persons affected by such rules or amendments.

(3) The director may, on his own motion or shall, on the written application of twenty-five or more interested persons, call a hearing for the purpose of considering changes to any rules prescribed under the provisions of this act.

Unlawful acts enumerated— Exception.

SEC. 4. It shall be unlawful to sell, offer for sale, hold for sale, ship, or transport any fruits or vegetables in bulk or in containers unless ninety per-

cent or more by weight or count, as established by inspection, are free from (1) plant pest injury which has penetrated or damaged the edible portions; (2) worms, mold, slime, or decay. The provisions of this section shall not apply to those fruits or vegetables for which grades and/or classifications and standards for such grades and/or classifications have been especially provided under the provisions of this act or by rules adopted hereunder.

SEC. 5. The director may, unless otherwise provided for by the laws of this state, or in this act, establish rules:

Rules, scope—  
Authority to  
promulgate.

(1) Providing standards and sizes for grades and/or classifications especially provided for in this act for any horticultural plant or product;

(2) Providing grades and/or classifications for any horticultural plant or product not especially provided for in this act. In establishing such standards for grades and/or classifications, the director shall take into account the factors of maturity, soundness, color, shape, size, and freedom from mechanical and plant pest injury. When adopting grades and/or classifications for any horticultural plant or product not especially provided for in this act the director may consider and adopt grades and/or classifications established by the secretary of agriculture of the United States in effect on the effective date of this act, and any subsequent amendment to such grades and/or classifications prescribed by the said secretary;

(3) Fixing the sizes and dimensions of containers to be used for the packing or handling of any horticultural plant or product;

(4) Concerning the inspection of any horticultural plant or product subject to the provisions of this act or in cooperation with the United States Government or any other state;

(5) Necessary to carry out the purpose and provisions of this act.

Horticultural plants, products— Standards, grades, packs. Adoption of U. S. grades, classifications.

SEC. 6. The director may adopt any United States grade and/or classification for any horticultural plant or product especially provided for in this act if such United States grade and/or classification is substantially equivalent to or better than the minimum grade and/or classification especially provided for such horticultural plant or product in this act.

Combination grades.

SEC. 7. The director may establish combination grades for fruits and vegetables, and standards and sizes for such combination grades. The standards for such combination grades shall, by percentage quantities, include two or more of the grades, except cull grades, especially provided for in this act or adopted by rule hereunder.

Restrictions on selling fresh fruit as culls— Otherwise unlawful.

SEC. 8. It shall be unlawful for any person to sell fresh fruits for fresh consumption classified as culls under the provisions of this act or rules adopted hereunder unless such fruit is packed in one-half bushel or one bushel wooden baskets ring faced, with the fruit in the ring face representative of the size and quality of the fruit in such baskets. Such baskets shall be lidded and the words "cull" including the kind of fruit and variety must appear on the top and side of each basket and on any label thereon in clear and legible letters at least two and one-half inches high. Every bill of lading, invoice, memorandum, and document referring to said fruit shall designate them as culls.

Private grades, brands— Registration— Limitation. Proviso.

SEC. 9. The director may approve and register a private grade or brand for any horticultural plant or product: *Provided*, That such private grade or brand shall not be lower than the second grade and/or classification established under the provisions of this act or rules adopted hereunder for such horticultural plant or product.

SEC. 10. The director shall by rule establish grades and/or classifications for apples and standards and sizes for such grades and/or classifications. In establishing such standards for grades and/or classifications, the director shall take into account the factors of maturity, soundness, color, shape, and freedom from mechanical and plant pest injury. When establishing standards of color requirements for red varieties and partial red varieties of apples, the director shall establish color standards for such varieties which are not less than the following:

Apple grades,  
classifications,  
color standards  
—Hearings—  
Notice.

- |                         |                 |
|-------------------------|-----------------|
| 1. Arkansas Black       | Fifteen percent |
| 2. Spitzenburg (Esopus) | Fifteen percent |
| 3. Winesap              | Twenty percent  |
| 4. King David           | Fifteen percent |
| 5. Delicious            | Twenty percent  |
| 6. Stayman Winesap      | Ten percent     |
| 7. Vanderpool           | Ten percent     |
| 8. Black Twig           | Ten percent     |
| 9. Jonathan             | Ten percent     |
| 10. McIntosh            | Ten percent     |
| 11. Rome                | Ten percent     |
| 12. Red Sport varieties | Twenty percent  |

Whenever red sport varieties are marked as such, they shall meet the color requirements of red sport varieties.

The director may upon his own motion or upon the recommendation of an organization such as the Washington state horticultural association's grade and pack committee hold hearings in each major apple producing area concerning changes in apple grades and/or standards for such apple grades as proposed by the director or as recommended by such organization.

The hearings on such recommendations for changes in grades for apples and/or standards for such grades shall be subject to chapter 34.04 RCW concerning the adoption of rules and the director

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Apples—  
Hearing—  
Violations.

shall publish notice of such hearings at least three times in the legal newspaper with the widest circulation in the major apple producing areas where such hearings are to be held. The last publication of such notice shall be published at least fourteen days prior to such hearings.

The director in making his final determination on his recommendation or those proposed by such organization shall give due consideration to testimony given by producers or producer organizations at such hearing.

It shall be unlawful for any person to sell, offer for sale, hold for sale, ship, or transport any apples unless they comply with the provisions of this act and the rules adopted hereunder.

Specific grades,  
classifications  
to be made—  
Basis—  
Violations.

SEC. 11. The director shall by rule establish grades and/or classifications for:

- (1) Apricots and standards and sizes for such grades and/or classifications;
- (2) Cantaloupes and standards and sizes for such grades and/or classifications;
- (3) Italian prunes and standards and sizes for such grades and/or classifications;
- (4) Peaches and standards and sizes for such grades and/or classifications;
- (5) Pears and standards and sizes for such grades and/or classifications;
- (6) Potatoes and standards and sizes for such grades and/or classifications;
- (7) Tomatoes and standards and sizes for such grades and/or classifications.

In establishing standards for grades and/or classifications of apricots, cantaloupes, Italian prunes, peaches, pears, potatoes, and tomatoes, the director shall consider, when applicable, the factors of maturity, soundness, color, shape, size, and freedom from mechanical and plant pest injury.

It shall be unlawful for any person to sell, offer

for sale, hold for sale, ship, or transport apricots, cantaloupes, Italian prunes, peaches, pears, potatoes, and tomatoes unless they comply with the provisions of this act or rules adopted hereunder.

The provisions of this section and of section 10 of this act shall not in any manner be construed to limit the director's authority to adopt grades and/or classifications for any other horticultural plant or product not especially mentioned in such sections or standards and sizes for grades and/or classifications.

The director when adopting rules in respect to horticultural plants or products shall hold a public hearing and shall consult with affected parties, such as growers, associations of growers and handlers and any final rule adopted as a result of a hearing shall be designed to promote orderly marketing and shall be reasonable and necessary and based upon the requirements and conditions of the industry and shall be for the purpose of promoting the well-being of the members of the horticultural industry as well as for the general welfare of the people of the state.

SEC. 12. The grades and/or classifications and the standards and sizes for such grades and/or classifications relating to horticultural plants and products specifically mentioned in sections 10 and 11 of this act and included in or adopted under the provisions of chapter 15.16 RCW and in effect immediately prior to the repeal of RCW 15.16.010 through RCW 15.16.490 shall be considered to have been adopted by the director as rules under the provisions of this act pursuant to the provisions of chapter 34.04 RCW concerning the adoption of rules, as enacted or hereafter amended. Any amendment or repeal of such rules after the effective date of this act shall be subject to the provisions of chapter 34.04 RCW concerning the adoption of rules as enacted or hereafter amended.

Grades,  
classifications,  
continued—  
Change subject  
to chapter  
34.04 RCW.

Horticultural  
plants,  
products—  
Standards,  
grades, packs.  
Exemptions.

SEC. 13. The provisions of this act shall not apply:

(1) To the movement in bulk of any horticultural plant or product from the premises where grown or produced to a packing shed, warehouse, or processing plant within the area of production prior to inspection and/or grading where such inspection and/or grading is to be performed at such packing shed, warehouse, or processing plant; nor

(2) To any processed, canned, frozen, or dehydrated horticultural plants or products; nor

(3) Shall this act prevent the manufacture of any infected horticultural plant or product into by-products or its shipment to a byproducts plant.

Inspection,  
certification.  
Application  
for.

SEC. 14. Any person financially interested in any horticultural plants or products in this state may apply to the director for inspection and certification as to whether such horticultural plants or products meet the requirements provided for by the laws of this state, the provisions of this act or rules adopted hereunder, or the standards for grading and classifying such horticultural plants or products established by the secretary of the United States department of agriculture, or by any other state, or by contractual agreement between buyers and sellers of such horticultural plants or products.

—Fees.

SEC. 15. The director shall prescribe the necessary fees to be charged, (1) to the owner or his agent for the inspection and certification of any horticultural plants or products subject to the provisions of this act or rules adopted hereunder, (2) for inspection and certification when such inspection and certification is performed at the request of any person financially interested in any horticultural plants or products which are, or are not, subject to the provisions of this act or rules adopted hereunder, produced in, or imported into, this state. The fees

provided for in this section shall become due and payable by the end of the next business day and if such fees are not paid within the prescribed time the director may withdraw inspection or refuse to perform any inspection or certification services for the person in arrears: *Provided*, That the director in such instances may demand and collect inspection and certification fees prior to inspecting and certifying any horticultural plants or products for such person.

SEC. 16. The director may upon application of both buyer and seller provide a state inspector to perform third party grading for the parties and shall charge fees to cover the cost thereof on the same terms and conditions as provided in section 15 of this act for inspection and certification.

SEC. 17. Every inspection certificate issued by the director under the provisions of this act shall be received in all the courts of the state as prima facie evidence of the statements therein.

SEC. 18. Any container packed with any horticultural plant or product for which a grade and/or classification has been especially provided in this act or adopted by rule hereunder, may be stamped with either or both the state grade and/or classification and the United States grade and/or classification.

SEC. 19. The director may enter during business hours and inspect any horticultural facility where any horticultural plants or products are produced, stored, packed, delivered for shipment, loaded, shipped, being transported or sold, and may inspect all such horticultural plants or products and the containers thereof and the equipment in any such horticultural facility. The director may take for inspection such representative samples of such horticultural plants or products and such containers as may be necessary to determine whether or not provisions

of this act or rules adopted hereunder have been violated, and may subject such samples of horticultural plants or products to any method of inspection or testing. Should the director be denied access to any horticultural facilities where such access was sought for the purpose set forth in this section, he may apply to a court of competent jurisdiction for a search warrant authorizing access to such horticultural facilities for said purpose. The court may upon such application issue the search warrant for the purpose requested.

Horticultural  
plants,  
products—  
Standards,  
grades, packs.  
Noncomplying  
plants,  
products—  
Enforcement  
procedure.

SEC. 20. The director may affix to any such lot or part thereof of horticultural plants or products a tag or notice of warning that such lot of horticultural plants or products is held and stating the reasons therefor. It shall be unlawful for any person other than the director to detach, alter, deface, or destroy any such tag or notice affixed to any such lot, or part thereof, of horticultural plants or products, or to remove or dispose of such lot, or part thereof, in any manner or under conditions other than as prescribed in such tag or notice, except on the written permission of the director or the court.

The director shall forthwith cause a notice of noncompliance to be served upon the person in possession of such lot of horticultural plants or products. The notice of noncompliance shall include a description of the lot, the place where, and the reason for which, it is held, and it shall give notice that such lot of horticultural plants or products is a public nuisance and subject to disposal as provided in this section unless, within a minimum of seventy-two hours or such greater time as prescribed in the notice by the director, it is reconditioned or the deficiency is otherwise corrected so as to bring it into compliance.

If the person so served is not the sole owner of such lot of horticultural plants or products, or does

not have the authority as an agent for the owner to bring it into compliance, it shall be the duty of such person to notify the director forthwith in writing giving the names and addresses of the owner or owners and all other persons known to him to claim an interest in such lot of horticultural plants or products. Any person so served shall be liable for any loss sustained by such owner or other person whose name and address he has knowingly concealed from the director.

If such lot of horticultural plants or products has not been reconditioned or the deficiency corrected so as to bring it into compliance within the time specified in the notice, the director shall forthwith cause a copy of such notice to be served upon all persons designated in writing by the person in possession of such lot of horticultural plants or products to be the owner or to claim an interest therein. Any notice required by this section may be served personally or by mail addressed to the person to be served at last known address.

The director with the written consent of all such persons so served, is hereby authorized to destroy such lot of horticultural plants or products or otherwise abate the nuisance. If any such person fails or refuses to give such consent, then the director shall proceed in the manner provided for such purposes in this section.

If such lot of horticultural plants or products is perishable or subject to rapid deterioration the director may, through the prosecutor in the county where such horticultural plants or products are held, file a verified petition in the superior court of the said county to destroy such lot of horticultural plants or products or otherwise abate the nuisance. The petition shall state the condition of such lot of horticultural plants or products, that such lot of horticultural plants or products is held, and that notice of noncom-

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plants,  
products—  
Standards,  
grades, packs.  
Noncomplying  
plants or  
products—  
Enforcement  
procedure.

pliance has been served as provided in this act. The court may then order that such lot of horticultural plants or products be forthwith destroyed or the nuisance otherwise abated as set forth in said order.

If such lot of horticultural plants or products is not perishable or subject to rapid deterioration, the director may, through the prosecutor in the county in which it is located, file a petition within five days of the serving of the notice of noncompliance upon the owners or person in possession of such lot of horticultural plants or products in the superior court or justice court of the said county for an order to show cause, returnable in five days, why such lot of horticultural plants or products should not be abated. The owner or person in possession, on his own motion within five days from the expiration of the time specified in the notice of noncompliance, may file a petition in such court for an order to show cause, returnable in five days, why such lot of horticultural plants or products should not be released to the petitioner and any warning tags previously affixed removed therefrom.

The court may enter a judgment ordering that such lot of horticultural plants or products be condemned and destroyed in the manner directed by the court or relabeled, or denatured, or otherwise processed, or sold, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. In the event of sale by the owner or the court, the costs of storage, handling, reconditioning, and disposal shall be deducted from the proceeds of the sale and the balance, if any, paid into the court for the owner.

Violations  
enumerated.

SEC. 21. It shall be unlawful to sell, offer for sale, hold for sale, ship, or transport any horticultural plants or products:

(1) Subject to the requirements of section 4 of this act unless they meet such requirements;

(2) As meeting the grades and/or classifications and standards and sizes for such grades and/or classifications as adopted or amended by the director under section 5 of this act unless they meet such standards and sizes for such grades and/or classifications;

(3) As meeting the standards and sizes for private grades or brands as approved by the director under section 9 of this act unless they meet such standards and sizes;

(4) In containers other than the size and dimensions prescribed by the director, when he has prescribed by rule such size and dimensions for containers in which any horticultural plants or products will be placed or packed: *Provided*, That this subsection shall not apply when any such horticultural plants or products are being shipped or transported to a packing plant, processing plant, or cold storage facility for preparation for market; Proviso.

(5) Unless the containers in which such horticultural plants or products are placed or packed are marked as prescribed by the director, with the proper United States and/or Washington grade and/or classification or private grades or brands of such horticultural plants or products;

(6) Unless the containers in which such horticultural plants or products are placed or packed are marked as prescribed by the director, which may include the following:

(a) The name and address of the grower, or packer, or distributor;

(b) The varieties of such horticultural plants or products;

(c) The size, weight, volume and/or count of such horticultural plants or products;

(7) Which are in containers marked or advertised for sale or sold as being graded and/or classified according to the standards and sizes prescribed by the director or by law unless such horticultural

plants or products conform with such grades and/or classifications and their standards and sizes;

- (8) Which are deceptively packed;
- (9) Which are deceptively arranged or displayed;
- (10) Which are mislabeled;
- (11) Which do not conform to the provisions of this act or rules adopted hereunder.

Horticultural plants, products—Standards, grades, packs. Further violations enumerated.

SEC. 22. It shall be unlawful:

(1) To re-mark any container to a higher or superior grade than that marked thereon by the grower or packer of any horticultural plants or products, unless such horticultural plants or products meet the requirements of the higher grade;

(2) For any person to ship or transport or any carrier to accept any horticultural plant or product without an inspection certificate or permit when the director has prescribed by rule that such horticultural plants or products shall be accompanied by an inspection certificate or permit issued by him when shipped or transported. Such inspection certificate or permit shall be on a form prescribed by the director and may include space for stamps or other methods of denoting that all assessments provided for by law have been paid before such horticultural plants or products may lawfully be delivered or accepted for shipment;

(3) For any consignee to accept any shipment of horticultural plants or products which is not accompanied by an inspection certificate or permit prescribed by rule under the provisions of this act;

(4) For any reason to refuse to submit any container, load, or display of horticultural plants or products to the inspection of the director, or refuse to stop any vehicle or equipment containing horticultural plants or products for the purpose of inspection by the director;

(5) For any person to move any horticultural plants or products or their containers to which any

warning tags or notice from the place where it was affixed, except under a written permit from the director or under his specific direction.

SEC. 23. For the purpose of this act the state shall be divided into the following horticultural inspection districts to which the director may assign one or more inspectors-at-large who as a representative of the director shall supervise and administer regulatory and inspection affairs of the districts:

Horticultural  
inspection  
districts  
established.

- |                  |  |
|------------------|--|
| District One:    | Walla Walla, Columbia, Garfield, Asotin, Whitman, Benton, Franklin |
| District Two:    | Spokane, Lincoln, Stevens, Ferry, Pend Oreille                     |
| District Three:  | Adams, Grant   |
| District Four:   | Chelan, southern portion of Douglas                                |
| District Five:   | Yakima, Kittitas, Klickitat, Skamania                              |
| District Six:    | Clark, Cowlitz, Wahkiakum  |
| District Seven:  | Lewis, Pacific, Thurston, Mason, Grays Harbor                      |
| District Eight:  | Pierce, Kitsap, Jefferson, Clallam                                 |
| District Nine:   | King   |
| District Ten:    | Whatcom, Snohomish, San Juan, Skagit, Island                       |
| District Eleven: | Okanogan, northern portion of Douglas                              |

SEC. 24. The inspectors-at-large in charge of such inspections shall collect the fees therefor and deposit them in the horticultural district fund in any

Collection;  
deposit of fees.

Horticultural plants, products—Standards, grades, packs. Use of inspection fees—Bond of inspectors-at-large—Accounting.

bank in the district approved for the deposit of state funds. The inspectors-at-large shall expend fees deposited in the horticultural district fund to assist in defraying the expenses of inspections and they shall make payments from the horticultural district fund to the horticultural inspection trust fund in Olympia as authorized by the director in accordance with RCW 15.04.100. Inspectors-at-large shall furnish bonds to the state in amounts set by the administrative board, pursuant to RCW 43.17.090, with sureties approved by the director, conditioned upon the faithful handling of said funds for the purposes specified; and shall, on or before the tenth day of each month, render to the director a detailed account of the receipts and disbursements for the preceding month.

Inspectors-at-large reports—Refunds by district.

SEC. 25. On the thirtieth day of June of each year the inspectors-at-large shall render to the commissioners of every county in which such service has been rendered in their districts, a complete account of the past year's business. Should there remain on hand in any horticultural district fund after all expenses for said services have been paid, amounts in excess of those in the following schedule, they shall be returned to the contributors to the fund in proportion to the amount each contributed; Schedule: Districts 2, 6, and 7, each twenty-five thousand dollars; districts 1 and 8, each thirty thousand dollars; districts 9 and 10, each fifty thousand dollars; district 11, seventy-five thousand dollars; and districts 3, 4, and 5, each one hundred thousand dollars.

Injunctions.

SEC. 26. The director may bring an action to enjoin the violation of any provision of this act or rule adopted pursuant to this act in the superior court in which such violation occurs, notwithstanding the existence of other remedies at law.

SEC. 27. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy.

Provisions cumulative, nonexclusive.

SEC. 28. The enactment of this act shall not have the effect of terminating, or in any way modifying any liability, civil or criminal, which shall already be in existence on the effective date of this act.

Savings.

SEC. 29. The repeal of chapter 15.16 RCW and the enactment of this act shall not be deemed to have repealed any rules adopted under the provisions of chapter 15.16 RCW not in conflict with the provisions of this act and in effect immediately prior to such repeal. For the purpose of this act it shall be deemed that such rules have been adopted under the provisions of this act pursuant to the provisions of chapter 34.04 RCW, as enacted or hereafter amended, concerning the adoption of rules. Any amendment or repeal of such rules after the effective date of this act shall be subject to the provisions of chapter 34.04 RCW as enacted or hereafter amended, concerning the adoption of rules.

Continuation of rules—  
Change subject to chapter 34.04 RCW.

SEC. 30. Any person violating the provisions of this act or rules adopted hereunder is guilty of a misdemeanor.

General penalty.

SEC. 31. The director may cooperate with and enter into agreements with governmental agencies of this state, other states, and agencies of federal government in order to carry out the purpose and provisions of this act.

Cooperation with governmental agencies.

SEC. 32. There shall be exempt from the provisions of this act the sale of up to five hundred pounds of any fruits or vegetables sold by any producer where grown by any producer and sold directly by producer to ultimate consumer: *Provided*, That such fruits and vegetables shall meet the requirements of section 4 of this act.

Exemptions.

Proviso.

**Severability.** SEC. 33. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

**Effective date.** SEC. 34. The effective date of this act is July 1, 1963.

**Repeal.** SEC. 35. Sections 15.16.010 through 15.16.490, chapter 11, Laws of 1961, and RCW 15.16.010 through 15.16.490 are hereby repealed.

Passed the House March 13, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

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## CHAPTER 123.

[ H. B. 255. ]

### JUSTICE COURTS—SMALL CLAIMS.

AN ACT relating to small claims in justice courts; amending section 1, chapter 187, Laws of 1919 and RCW 12.40.010; and amending section 3, chapter 187, Laws of 1919 and RCW 12.40.030.

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

RCW 12.40.010  
amended.

SECTION 1. Section 1, chapter 187, Laws of 1919 and RCW 12.40.010 are each amended to read as follows:

Justice courts  
—Small claims  
department.  
Authorized.

That in every justice court of this state there shall be created and organized by the justice of the peace thereof a department to be known as the "small claims department of the justice's court", which shall have jurisdiction, but not exclusive, in cases for the recovery of money only where the amount claimed does not exceed fifty dollars.