

CHAPTER 61.

[House Bill No. 174.]

WASHINGTON FRESH FRUIT SALES LIMITATION ACT.

AN ACT relating to agriculture and the sale of fresh fruit; prohibiting a limitation in amount on the sale of fresh fruit below seller's cost; and providing penalties.

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

Fresh fruit sales limitation act. Purpose.

SECTION 1. Limitations or restrictions placed on the buyer by the seller offering fresh fruit for sale as to the amount that such prospective buyer may purchase of the total amount of such fresh fruit owned, possessed or controlled by the seller, may lead to or cause confusion, deceptive trade practices, and interfere with the orderly marketing of fresh fruit necessary for the public health and welfare, and is hereby declared to be a business affected with the public interest. The provisions of this act are enacted in the exercise of the police powers of the state for the purpose of protecting the general health and welfare of the people of this state.

Limitation on amount sold below cost as unlawful.

SEC. 2. It shall be unlawful to cause a limitation to be placed on the amount of fresh fruit that a purchaser may buy at retail or wholesale when such fresh fruit is offered for sale, through any media, below cost to the seller. The foregoing shall apply to all such fresh fruit offered for sale below cost and owned, possessed or controlled by such seller.

Cost defined.

SEC. 3. Cost for the purpose of this act, shall be that price paid for fresh fruit by the seller or the actual replacement cost for such fresh fruit: *Provided*, That the delivered invoice price to such seller shall be prima facie evidence of the price paid for such fresh fruit by the seller.

Cost basis when more than one item.

SEC. 4. When one or more items are offered for sale or sold with one or more items at a combined

price, or offered individually or as a package or a unit to be given with the sale of one or more items, each and all such items shall for the purpose of this act be deemed to be offered for sale, and as to such transaction the cost basis shall be the combined cost basis of all such items as determined pursuant to section 3 of this act.

SEC. 5. Any person, prosecuting attorney, or the attorney general may bring an action to enjoin the violation or threatened violation of the provisions of this act in the superior court in the county where such violation occurs or is about to occur, notwithstanding the existence of any other remedies at law.

Actions to enjoin.

SEC. 6. Any person violating the provisions of this act is guilty of a misdemeanor and guilty of a gross misdemeanor for any second and subsequent offense: *Provided*, That any offense committed more than five years after a previous conviction shall be considered a first offense.

Penalties.

SEC. 7. The provisions of this act shall not apply to the following sales at retail or sales at wholesale:

Exemptions.

(1) When fresh fruit is sold for charitable purposes or to relief agencies;

(2) When fresh fruit is sold on contract to departments of the government or governmental institutions;

(3) When fresh fruit is sold by any officer acting under the order or direction of any court.

SEC. 8. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy.

Act cumulative.

SEC. 9. This act may be cited as the Washington fresh fruit sales limitation act.

Short title.

SEC. 10. If any provision of this act, or its application to any person or circumstance is held invalid,

Severability.

the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House March 8, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965.



CHAPTER 62.

[House Bill No. 175.]

SCHOOL DISTRICTS—CONDITIONAL SALES CONTRACTS.

AN Act relating to school districts; and adding a new section to chapter 28.58 RCW.

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

New section.

SECTION 1. There is added to chapter 28.58 RCW a new section to read as follows:

School districts—Executory conditional sales contracts by—Authorized—Limitations.

Any school district may execute an executory conditional sales contract with any other municipal corporation, the state or any of its political subdivisions, the government of the United States or any private party for the purchase of any real or personal property, or property rights, in connection with the exercise of any powers or duties which they now or hereafter are authorized to exercise, if the entire amount of the purchase price specified in such contract does not result in a total indebtedness in excess of one and one-half percent of the assessed valuation of the taxable property in such school district: *Provided*, That if such a proposed contract would result in a total indebtedness in excess of one and one-half percent of the assessed valuation of the taxable property of such school district, as the case may be, a proposition in regard to whether or not such a contract may be executed shall be submitted to the voters for approval or rejection in the same manner that bond issues for capital purposes are