

lars (\$78,225) for payment to members of the legislature and the president of the Senate at the rate of twenty-five dollars per day in lieu of subsistence and lodging while in attendance at the first extraordinary session of the fortieth legislature.

Sec. 4. Upon presentation of a voucher by a member claiming reimbursement for interim expenses as authorized by section 1, chapter 8, Laws of 1967 and certified by him that his expenses for such three month period were equal to or in excess of one hundred fifty dollars, he shall be paid in lieu of such expenses from the appropriation provided therefor in section 1, chapter 8, Laws of 1967.

Legislature—
Members in-
terim expen-
ses—Vouchers.

Sec. 5. This act is necessary for the immediate support of the state government and shall take effect immediately.

Emergency.

Passed the House April 12, 1967.

Passed the Senate April 12, 1967.

Approved by the Governor April 12, 1967.

CHAPTER 46.

[Engrossed Senate Bill No. 464.]

CIVIL ACTIONS AND PROCEDURE.

AN ACT relating to civil actions and procedure; adding new sections to Title 4 RCW; and amending section 1, chapter 99, Laws of 1961 and RCW 4.24.190.

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

Section 1. Section 1, chapter 99, Laws of 1961 and RCW 4.24.190 are each amended to read as follows:

RCW 4.24.190
amended.

The parent or parents of any minor child under the age of eighteen years who is living with the parent or parents and who shall wilfully or mali-

Parents and
child—Civil
liability of
parents for
damages by
children.

Civil proceed-
ings.

ciously destroy property, real or personal or mixed, shall be liable to the owner of such property in a civil action at law for damages in an amount not to exceed one thousand dollars. This section shall in no way limit the amount of recovery against the parent or parents for their own common law negligence.

Construction
contracts—
Hold harmless
clauses against
public policy.

Sec. 2. A covenant, promise, agreement or understanding in, or in connection with or collateral to, a contract or agreement relative to the construction, alteration, repair, addition to, subtraction from, improvement to, or maintenance of, any building, highway, road, railroad, excavation, or other structure, project, development, or improvement attached to real estate, including moving and demolition in connection therewith, purporting to indemnify against liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the indemnitee, his agents or employees is against public policy and is void and unenforceable.

New chapter.

Sec. 3. There is added to the Code of 1881 and to Title 4 RCW, a new chapter to read as set forth in sections 4 through 7 of this act.

Removal of
action from
justice court
to superior
court.

Sec. 4. Whenever the removal of such action to superior court is required in order to acquire jurisdiction over a third party defendant, who is or may be liable to the defendant for all or part of the judgment and resides outside the county wherein the action was commenced, any civil action which could have been brought in superior court may, if commenced in justice court, be removed by the defendant or defendants to the superior court for the county where such action is pending if the court determines that there are reasonable grounds to believe that a third party may be liable to the plaintiff and issues an order so stating.

Whenever a separate or independent claim or cause of action which would be removable if sued upon alone is joined with one or more otherwise nonremovable claims or causes of action, the entire case may be removed and the superior court may determine all issues therein, or, in its discretion, may remand all matters not otherwise within its original jurisdiction.

Sec. 5. (1) A defendant or defendants desiring to remove any civil action from a justice court as authorized by section 4 of this act shall file in the superior court in the county where such action is pending, a verified petition containing a short and plain statement of the facts which entitled him or them to removal together with a copy of all process, pleadings and orders served upon him or them in such action.

Petition for
removal—
Notice.

(2) The petition for removal of a civil action or proceeding shall be filed within twenty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.

If the case stated by the initial pleading is not removable, a petition for removal may be filed within twenty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper, including the defendant's answer, from which it may first be ascertained that the case is or has become removable.

(3) Promptly after the filing of such petition the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the petition with the justice court, which shall effect the removal and the justice court shall proceed no further unless and until the case is remanded.

Civil proceed-
ings.

Sec. 6. In any case removed from justice court under the provisions of this act, the superior court may issue all necessary orders and process to bring before it all proper parties whether served by process issued by the justice court or otherwise.

Authority of
court after
removal—
Remand.

If at any time before final judgment it appears that the case was removed improvidently and without jurisdiction, the superior court shall remand the case, and may order the payment of just costs. A certified copy of the order of remand shall be mailed by the clerk of the superior court to the justice court. The justice court may thereupon proceed with such case.

Removal—
Attached
property.

Sec. 7. Whenever any action is removed from a justice court to a superior court under the provisions of this act, any attachment or sequestration of the property of the defendant in such action in the justice court shall remain in the custody of the sheriff to answer the final judgment or decree in the same manner as would have been held to answer had the cause been brought in the superior court originally.

Passed the Senate March 29, 1967.

Passed the House April 6, 1967.

Approved by the Governor April 14, 1967.