

court, if: (1) the suit or claim is based substantially upon the purchaser's allegation that the odometer on such vehicle has been tampered with contrary to sections 2 and 3 of this 1969 amendatory act; and (2) it is found in such suit that the seller of such vehicle or any of his employees or agents knew or had reason to know that the odometer on such vehicle had been so tampered with and failed to disclose such knowledge to the purchaser prior to the time of sale.

Passed the House February 25, 1969

Passed the Senate March 11, 1969

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CHAPTER 113
[Substitute House Bill No. 96]
HORTICULTURAL PEST
AND DISEASE BOARD

AN ACT Relating to horticulture; and adding a new chapter to Title 15 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. The purpose of this act is to enable counties to more effectively control and prevent the spread of horticultural pests and diseases.

NEW SECTION. Sec. 2. Either upon receiving a petition filed by twenty-five landowners within the county or on its own motion, the board of county commissioners in order to achieve the purposes of this act may, following a hearing, create a horticultural pest and disease board.

NEW SECTION. Sec. 3. Each horticultural pest and disease board shall be comprised of five voting members, four of whom shall be appointed by the board of county commissioners and one of whom shall be the inspector at large for the horticultural district in which the county is located. In addition, the chief county extension agent, or a county extension agent appointed by the chief agent, shall be a nonvoting member of the board.

Of the four members appointed by the board of county commissioners, one of such members shall have at least a practical knowledge of horticultural pests and diseases, and the other members shall

be residents of the county, shall own land within the county and shall be engaged in the primary and commercial production of a horticultural product or products. Such appointed members shall serve a term of two years and shall serve without salary.

NEW SECTION. Sec. 4. Within thirty days after the appointed seats on the horticultural pest and disease board have been filled, the board shall conduct its first meeting. A majority of the voting members of the board shall constitute a quorum for the transaction of business and shall be necessary for any action taken by the board. The board shall elect from its members a chairman and such other officers as may be necessary.

NEW SECTION. Sec. 5. Each horticultural pest and disease board shall have the following powers and duties:

(1) To receive complaints concerning the infection of horticultural pests and diseases on any parcel of land within the county;

(2) To inspect or cause to be inspected any parcel of land within the county for the purpose of ascertaining the presence of horticultural pests and diseases as provided by section 7 of this act;

(3) To order any landowner to control and prevent the spread of horticultural pests and diseases from his property, as provided by section 8 of this act;

(4) To control and prevent the spread of horticultural pests and diseases on any property within the county as provided by section 8 of this act, and to charge the owner for the expense of such work in accordance with section 8 and 9 of this act;

(5) To employ such persons and purchase such goods and machinery as the board of county commissioners may provide;

(6) To adopt, following a hearing, such rules and regulations as may be necessary for the administration of this act.

NEW SECTION. Sec. 6. Each owner of land containing any plant or plants shall perform or cause to be performed such acts as may be necessary to control and to prevent the spread of horticultural

pests and diseases, as such pests and diseases are defined under RCW 15.08.010, as now or hereafter amended, or as such pests and diseases are defined by the director of the department of agriculture in accordance with the purpose of this act and with the provisions of the Administrative Procedure Act, chapter 34.04 RCW. The word "owner" as used in this section shall mean the possessor or possessors of any form of legal or equitable title to land and entitlement to possession. For purposes of liability under this act, the owners of land shall be jointly and severally liable.

NEW SECTION. Sec. 7. Any authorized agent or employee of the county horticultural pest and disease board may enter upon any property for the purpose of administering this act and any power exercisable pursuant thereto, including the taking of specimens, general inspection, and the performance of such acts as are necessary for controlling and preventing the spreading of horticultural pests and diseases. Such entry may be without the consent of the owner, and no action for trespass or damages shall lie so long as such entry and any activities connected therewith are undertaken and prosecuted with reasonable care.

Should any such employee or authorized agent of the county horticultural pest and disease board be denied access to such property where such access was sought to carry out the purpose and provisions of this act, the said board may apply to any court of competent jurisdiction for a search warrant authorizing access to such property for said purpose. The court may upon such application issue the search warrant for the purpose requested.

NEW SECTION. Sec. 8. (1) Whenever the horticultural pest and disease control board finds that an owner of land has failed to control and prevent the spread of horticultural pests and diseases on his land, as is his duty under section 6 of this act, it shall provide such person with written notice, which notice shall identify the pests and diseases found to be present and shall order prompt control or disinfection action to be taken within a specified and

reasonable time period.

(2) If the person to whom the notice is directed fails to take action in accordance with this notice, then the board shall perform or cause to be performed such measures as are necessary to control and prevent the spread of the pests and diseases on such property and the expense of this work shall be charged to such person: PROVIDED, That the board shall have no power to order the destruction of any plant.

NEW SECTION. Sec. 9. Any person upon request and pursuant to the rules and regulations of the horticultural pest and disease board shall be entitled to a hearing before the board on any charge or cost for which such person is alleged to be liable under subsection (2) of section 8. Any determination or final action by the board shall be subject to judicial review by a proceeding in the superior court of the county where the property is situated and to any damages suffered on account of disinfection work wrongfully undertaken, but no stay or injunction shall lie to delay any such disinfection work subsequent to notice given pursuant to section 8 of this act.

NEW SECTION. Sec. 10. Any amount charged to the owner of land in accordance with the provisions of section 8 and 9 of this act shall be paid by such owner within sixty days of the date in which he was billed for such amount. If payment is not made within such sixty day period, the amount of such charge, together with a ten percent penalty surcharge, shall, for purposes of collection, become a tax lien under RCW 84.60.010, as now or hereafter amended, and shall be promptly collected as such by the county treasurer: PROVIDED, That where good cause is shown the board may extend for an additional two months the time period during which payment shall be made.

NEW SECTION. Sec. 11. In regard to any charge made pursuant to section 8 of this act, if either the horticultural pest and disease board or the superior court on judicial review disallows such charge, then any amount paid on such charge, together with any interest or penalty, shall be promptly refunded by the county from the

county's current expense fund or from any other county funds available. In addition, the county shall pay six percent simple annual interest on such amount refunded.

NEW SECTION. Sec. 12. Any moneys collected under this chapter shall be placed in the county current expense fund together with any taxes collected pursuant to the provisions of RCW 15.08.260, as now or hereafter amended.

NEW SECTION. Sec. 13. Sufficient operating moneys for the horticultural pest and disease board shall be provided for pursuant to the provisions of RCW 15.08.260 and 15.08.270, as now or hereafter amended.

NEW SECTION. Sec. 14. Upon receipt of a petition signed by twenty-five landowners within the county or on its own motion, the board of county commissioners may abolish the pest and disease board following a hearing and a finding that the purposes of this chapter would not be sufficiently served by the continued existence of such board.

NEW SECTION. Sec. 15. The effects of the provisions of this chapter on the provisions of chapter 15.08 RCW shall be cumulative.

NEW SECTION. Sec. 16. Section 1 through 15 of this act shall constitute a new chapter in Title 15 RCW.

Passed the House February 21, 1969
Passed the Senate March 11, 1969
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CHAPTER 114
[Engrossed House Bill No. 203]
CERTIFIED PUBLIC ACCOUNTANTS

AN ACT Relating to accountancy; providing standards for C.P.A. licensees; amending sections 11, 15, 19, 21, 27, 28, and 34, chapter 226, Laws of 1949 and RCW 18.04.120, 18.04.160, 18.04.200, 18.04.220, 18.04.280, 18.04.290 and 18.04.350; and repealing sections 13 and 14, chapter 226, Laws of 1949 and RCW 18.04.140 and 18.04.150.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON: