

## CHAPTER 166

[Substitute House Bill No. 212]

## GAMBLING

AN ACT Relating to gambling; amending section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.020; amending section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.030; amending section 7, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.070; amending section 9, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.090; amending section 11, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.110; amending section 12, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.120; amending section 13, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.130; amending section 14, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.140; amending section 16, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.160; amending section 21, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 9, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.210; adding new sections to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW; prescribing penalties; and declaring an emergency.

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

*\*Section 1. Section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.020 are each amended to read as follows:*

- (1) "Amusement game" means a game played for entertainment in which:
- (a) The contestant actively participates;
  - (b) The outcome depends in a material degree upon the skill of the contestant;
  - (c) Only merchandise prizes are awarded;
  - (d) The outcome is not in the control of the operator;
  - (e) The wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game; and
  - (f) ~~((Said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, including the furnishing of equipment, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting such game or said game is conducted as part of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW or said game is conducted as part of and upon the site of:
 
    - (i) a civic center of a city with a population of twenty thousand or more persons as of the most recent decennial census of the federal government; or
    - (ii) a worlds fair or similar exposition which is approved by the Bureau of International Expositions at Paris, France; or
    - (iii) a community-wide civic festival held not more than once annually and sponsored or approved by a city or town))~~ Said game is conducted or operated by any agricultural fair, person, association or organization in such manner and at such locations as may be authorized by rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended.

(2) "Bingo" means a game in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said

game, when said game is conducted by a bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee of said organization takes any part in the management ((or)) operation of said game, and no person who takes any part in the management ((or)) operation of said game takes any part in the management ((or)) operation of any game conducted by any other organization or any other branch of the same organization and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(3) "Bona fide charitable or nonprofit organization" means: (a) any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or (b) any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same. ~~((The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.))~~

Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(4) "Bookmaking" means accepting bets as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

(5) "Commission" means the Washington state gambling commission created in RCW 9.46.040.

(6) "Contest of chance" means any contest, game, gaming scheme, or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

(7) "Fishing derby" means a fishing contest with or without the payment or giving of an entry fee or other consideration by some or all of the contestants(;) wherein ~~((the contestants compete with each other for a prize or prizes, whether money, merchandise or other thing of value, the prize or)) prizes ((is-or)) are awarded ((based upon the lawful catching of fish by any one or more of the contestants, and when such contest is conducted by a bona fide charitable or non-profit organization)) for the species, size, weight, or quality of fish caught in a bona fide fishing or recreational event.~~

(8) "Gambling". A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include fishing derbies as defined by this chapter, parimutuel betting as authorized by chapter 67.16 RCW, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health or accident insurance. In addition, a contest of chance which is specifically excluded from the definition of lottery under subsection (13) of this section shall not constitute gambling.

(9) "Gambling device" means: (a) Any device or mechanism the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as the result of the operation of an element of chance; (b) any device or mechanism which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; (c) any device, mechanism, furniture, fixture, construction or installation designed primarily for use in connection with professional gambling; and (d) any subassembly or essential part designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation. But in the application of this definition, a pinball machine or similar mechanical amusement device which confers only an immediate and unrecorded right of replay on players thereof, which does not contain any mechanism which varies the chance of winning free games or the number of free games which may be won or a mechanism or a chute for dispensing coins or a facsimile thereof, and which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls individually upon the insertion of a nickel or dime, as the case may be, to complete any one operation thereof, shall not be deemed a gambling device: PROVIDED FURTHER, That owning, possessing, buying, selling, renting, leasing, financing, holding a security interest in, storing, repairing and transporting such pinball machines or similar mechanical amusement devices shall not be deemed engaging in professional gambling for the purposes of this chapter and shall not be a violation of this chapter: PROVIDED FURTHER, That any fee for the purchase or rental of any such pinball machines

or similar amusement devices shall have no relation to the use to which such machines are put but be based only upon the market value of any such machine, regardless of the location of or type of premises where used, and any fee for the storing, repairing and transporting thereof shall have no relation to the use to which such machines are put, but be commensurate with the cost of labor and other expenses incurred in any such storing, repairing and transporting.

(10) "Gambling information" means any wager made in the course of and any information intended to be used for professional gambling. In the application of this definition information as to wagers, betting odds and changes in betting odds shall be presumed to be intended for use in professional gambling: **PROVIDED, HOWEVER,** That this subsection shall not apply to newspapers of general circulation or commercial radio and television stations licensed by the federal communications commission.

(11) "Gambling premises" means any building, room, enclosure, vehicle, vessel or other place used or intended to be used for professional gambling. In the application of this definition, any place where a gambling device is found, shall be presumed to be intended to be used for professional gambling.

(12) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made[,] used or intended to be used in connection with professional gambling.

(13) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance.

For the purpose of this chapter, the following activities do not constitute "valuable consideration" as an element of a lottery:

(a) Listening to or watching a television or radio program or subscribing to a cable television service;

(b) Filling out and returning a coupon or entry blank or facsimile which is received through the mail or published in a bona fide newspaper or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program;

(c) Sending a coupon or entry blank by United States mail to a designated address in connection with a promotion conducted in this state;

(d) Visitation to any business establishment to obtain a coupon, or entry blank;

(e) Mere registration without purchase of goods or services;

(f) Expenditure of time, thought, attention and energy in perusing promotional material;

(g) Placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer; or

(h) Furnishing the container of any product as packaged by the manufacturer, or a particular portion thereof but only if furnishing a plain piece of paper or card with the name of the manufacturer or product handwritten on it is acceptable in lieu thereof: **PROVIDED,** That where any drawing is held by or on behalf of in-state retail outlets in connection with business promotions authorized under subsections (d) and (e) hereof, no such in-state retail outlet may conduct more than one such drawing during each calendar year and the period of the drawing and its

promotion shall not extend for more than seven consecutive days: *PROVIDED FURTHER*, That if the sponsoring organization has more than one outlet in the state such drawings must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate drawing in connection with the initial opening of any such outlet.

(i) The payment of an admission fee to gain admission to any exhibition, including but not limited to any agricultural fair authorized under chapters 15.76 or 36.37 RCW, where (A) the scheme is conducted for promotional or advertising purposes, not including the promotion or advertisement of the scheme itself; and (B) the person or organization conducting the scheme receives no portion of the admission fee either directly or indirectly and receives no other money for conducting the scheme either directly or indirectly, other than what might be received indirectly as a result of the success of the promotional or advertising aspect of the scheme.

For purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the rules applicable thereto by the federal communications commission. Broadcast programming, including advertising and promotion, that complies with said federal statutes and regulations is hereby authorized.

(14) "Player" means a natural person who engages, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which no person may receive or become entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor, and supplying cards or other equipment used therein. A person who engages in "bookmaking" as defined in this section is not a "player".

(15) A person is engaged in "professional gambling" when:

(a) Acting other than as a player or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly engages in conduct which materially aids any other form of gambling activity; or

(b) Acting other than as a player, or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;

(c) He engages in bookmaking; or

(d) He conducts a lottery as defined in subsection (13) of this section.

Conduct under subparagraph (a), except as exempted under RCW 9.46.030 as now or hereafter amended, includes but is not limited to conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases

thereof, toward the arrangement of any of its financial or recording phases, or toward any other phase of its operation. If a person having substantial proprietary or other authoritative control over any premises shall permit said premises to be used with the person's knowledge for the purpose of conducting gambling activity other than gambling activities as set forth in RCW 9.46.030 as now or hereafter amended, and acting other than as a player, and said person permits such to occur or continue or makes no effort to prevent its occurrence or continuation, he shall be considered as being engaged in professional gambling: PROVIDED, That the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable pins being placed in a specified position or combination of positions, as designated by the posted rules of the bowling establishment, where the proprietor does not participate in the proceeds of the "prize fund" shall not be construed to be engaging in "professional gambling" within the meaning of this chapter: PROVIDED, FURTHER, That the books and records of the game shall be open to public inspection.

(16) "Punch boards" (~~and~~), "pull-tabs" and pull-tab dispensing devices shall be given their usual and ordinary meaning (~~as of July 16, 1973~~), except that such definition may be revised by the commission pursuant to rules and regulations promulgated pursuant to this chapter.

(17) "Raffle" means a game in which tickets bearing an individual number are sold for not more than one dollar each and in which a prize or prizes are awarded on the basis of a drawing from said tickets by the person or persons conducting the game, when said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(18) "Social card game" means a card game, including but not limited to the game commonly known as "Mah Jongg", which constitutes gambling and contains each of the following characteristics:

- (a) There are two or more participants and each of them are players; and
- (b) A player's success at winning money or other thing of value by overcoming chance is in the long run largely determined by the skill of the player; and
- (c) No organization, corporation or person collects or obtains or charges any percentage of or collects or obtains any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That this item (c) shall not preclude a player from collecting or obtaining his winnings; and
- (d) No organization or corporation, or person collects or obtains any money or thing of value from, or charges or imposes any fee upon, any person which either enables him to play or results in or from his playing: PROVIDED, That this item (d) shall not apply to the membership fee in any bona fide charitable or nonprofit organization or to an admission fee allowed by the commission pursuant to RCW 9.46.070; and
- (e) The type of card game is one specifically approved by the commission pursuant to RCW 9.46.070; and

(f) The extent of wagers, money or other thing of value which may be wagered or contributed by any player does not exceed the amount or value specified by the commission pursuant to RCW 9.46.070.

(19) "Thing of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise, directly or indirectly, contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

(20) "Whoever" and "person" include natural persons, corporations and partnerships and associations of persons; and when any corporate officer, director or stockholder or any partner authorizes, participates in, or knowingly accepts benefits from any violation of this chapter committed by his corporation or partnership, he shall be punishable for such violation as if it had been directly committed by him.

(21) "Small scale gambling" means gambling which is conducted by a bona fide charitable or nonprofit organization and which has the following characteristics: (a) One or more of the following forms of gambling activities are conducted: Bingo, amusement games, raffles, cake walks as commonly known, and fish ponds as commonly known; (b) gross wagers and bets received by the organization less the amount of money paid by the organization as winnings and for the purchase cost of prizes given as winnings do not exceed five thousand dollars during any calendar year; (c) the organization conducting "small scale gambling" does not possess a current license to conduct any of the forms of gambling identified in item (a) of this subsection; and (d) the gambling is conducted in accordance with the provisions of this chapter and the rules and regulations adopted by the commission.

(22) "Annual fund raising event" means a fund raising event conducted during any three consecutive days and not more than once in any calendar year by a bona fide charitable or nonprofit organization as defined in subsection (3) of this section, upon authorization therefor by the commission, which the legislature hereby authorizes to issue a permit therefor, with or without fee, permitting the following activities, or any of them, during such event: Bingo, amusement games, contests of chance, lotteries and raffles: PROVIDED, That (a) gross wagers and bets received by the organization less the amount of money paid by the organization as winnings and for the purchase cost of prizes given as winnings do not exceed five thousand dollars; (b) such activities shall not include any mechanical gambling or lottery device activated by the insertion of a coin or by the insertion of any object purchased by any person taking a chance by gambling in respect to the device; (c) only bona fide members of the organization who are not paid for such service shall participate in the management or operation of the activities, and all income therefrom, after deducting the cost of prizes and other expenses, shall be devoted solely to the lawful purposes of the organization; and (d) such organization shall notify the appropriate local law enforcement agency of the time and place where such activities shall be conducted. The commission shall require an annual information report setting forth in detail the expenses incurred and the revenue received relative to the activities permitted.

(23) "Sports pool" means a game, the outcome of which is dependent upon the score, or scores, of a certain athletic contest and which is conducted only in the following manner:

(a) A board, or piece of paper, is divided into one hundred equal squares, each of which constitutes a chance to win in the sports pool and each of which is offered directly to prospective contestants at ten dollars or less; and

(b) The purchaser of each chance, or square, signs his or her name on the face of each square, or chance, he or she purchases; and

(c) At some time not later than prior to the start of the subject athletic contest the pool is closed and no further chances in the pool are sold; and

(d) After the pool is closed a prospective score is assigned by random drawing to each square; and

(e) All money paid by entrants to enter the pool less taxes is paid out as the prize or prizes to those persons holding squares assigned the winning score, or scores, from the subject athletic contest; and

(f) The sports pool board and all records kept in conjunction therewith are available for inspection by any person purchasing a chance thereon, the commission, or by any law enforcement agency upon demand at all times prior to the payment of the prize; and

(g) The sports pool conforms to any rules and regulations of the commission applicable thereto.

\*Sec. 1. was vetoed, see message at end of chapter.

\*Sec. 2. Section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.030 are each amended to read as follows:

(1) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct bingo games, raffles, amusement games, ~~((fishing derby,))~~ to utilize punch boards ~~((and)),~~ pull-tabs and pull-tab dispensing devices to allow their premises and facilities to be used by members and guests only to play social card games authorized by the commission, when licensed, conducted or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto: PROVIDED, That a license shall not be required for "small scale gambling" or "annual fund raising events" conducted pursuant to subsection (2) of this section.

(2) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of ~~((raffles))~~ gambling activities, are hereby authorized to conduct ~~((raffles))~~ small scale gambling or annual fund raising events without obtaining a license to do so from the commission when such ~~((raffles are))~~ small scale gambling or annual fund raising events are held in accordance with all other requirements of chapter 9.46 RCW, other applicable laws, and rules of the commission ~~((; when gross revenues from all such raffles held by the organization during the calendar year do not exceed five thousand dollars; and when tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle: PROVIDED, That the term members for this purpose shall mean only those persons who have become members prior to the commencement of the raffle and~~



~~whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles).~~

(3) The legislature hereby authorizes any person, association or organization to conduct social card games ((and)) or to utilize punch boards ((and)), pull-tabs and pull-tab dispensing devices as a commercial stimulant when licensed and utilized or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(4) ~~((The legislature hereby authorizes the management of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW to conduct amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto as well as authorizing said amusement games as so licensed and operated to be conducted as a part of and upon the site of:~~

~~(a) A civic center of a city with a population of twenty thousand or more persons as of the most recent decennial census of the federal government; or~~

~~(b) A worlds fair or similar exposition which is approved by the Bureau of International Expositions at Paris, France; or~~

~~(c) A community-wide civic festival held not more than once annually and sponsored or approved by a city or town)) The legislature hereby authorizes any agricultural fair, person, association, or organization to conduct or operate amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.~~

(5) The legislature hereby authorizes any person, association or organization to conduct sports pools without having to obtain a license therefor.

The penalties provided for professional gambling in this chapter, shall not apply to bingo games, raffles, punch boards, pull-tabs, amusement games, ((or fishing derby,)) social card games, sports pools, small scale gambling or annual fund raising events when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations of the commission.

\*Sec. 2. was vetoed, see message at end of chapter.

\*Sec. 3. Section 7, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.070 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said organizations to conduct bingo games, ((fishing derby,)) raffles, amusement games, and social card games to utilize punch boards and pull-tabs in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter or any rules and regulations adopted pursuant thereto: **PROVIDED**, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: **PROVIDED FURTHER**, That the commission or director shall not issue, deny, suspend or revoke any license because of considerations of race, sex, creed, color, or national origin: **AND PROVIDED FURTHER**, That the commission

may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any person, association or organization approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said person, association or organization to utilize punch boards (~~and~~), pull-tabs and pull-tab dispensing devices to conduct social card games as a commercial stimulant in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter and any rules and regulations adopted pursuant thereto: **PROVIDED**, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: **PROVIDED FURTHER**, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(3) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization approved by the commission meeting the requirements of this chapter and meeting the requirements of any rules and regulations adopted by the gambling commission pursuant to this chapter as now or hereafter amended, permitting said person, association, or organization to conduct or operate amusement games in such manner and at such locations as the commission may determine;

(4) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association or organization to engage in the selling, distributing, or otherwise supplying or in the manufacturing of devices for use within this state for those activities authorized by RCW 9.46.030 as now or hereafter amended.

~~((4))~~ (5) To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises, and for such other activities as may be licensed by the commission, which shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules and regulations adopted pursuant thereto: PROVIDED, That all licensing fees shall be submitted with an application therefor and ~~((not less than fifty percent of any such license fee))~~ such portion of said fee as the commission may determine, based upon its cost of processing and investigation, shall be retained by the commission upon the withdrawal or denial of any such license application as its reasonable expense for processing the application and investigation into the granting thereof: PROVIDED FURTHER, That if in a particular case the basic license fee established by the commission for a particular class of license is less than the commission's actual expenses to investigate that particular application, the commission may at any time charge to that applicant such additional fees necessary to pay the commission for those costs. The commission may decline to proceed with its investigation and no license shall be issued until the commission has been fully paid therefor by the applicant: AND PROVIDED FURTHER, That the commission may establish fees for the furnishing by it to licensees of identification stamps to be affixed to such devices and

equipment as required by the commission and for such other special services or programs required or offered by the commission, the amount of each of these fees to be not less than is adequate to offset the cost to the commission of the stamps and of administering their dispersal to licensees or the cost of administering such other special services, requirements or programs.

~~((Notwithstanding any other provision of this subsection, raffles may be conducted by any bona fide charitable or nonprofit organization not more than once each year without payment of a license fee if such organization shall not receive in gross receipts therefrom an amount over five thousand dollars.~~

~~(5))~~ (6) To require that applications for all licenses contain such information as may be required by the commission: **PROVIDED**, That all persons having a managerial or ownership interest in any gambling activity, or the building in which any gambling activity occurs, or the equipment to be used for any gambling activity, or participating as an employee in the operation of any gambling activity, shall be listed on the application for the license and the applicant shall certify on the application, under oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity, building, or equipment by the person making such application: **PROVIDED FURTHER**, That the commission may require fingerprinting and background checks on any persons seeking licenses under this chapter or of any person holding an interest in any gambling activity, building or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity;

~~((6))~~ (7) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;

~~((7))~~ (8) To require that all income from bingo games, raffles, and amusement games be recorded and reported as established by rule or regulation of the commission to the extent deemed necessary by considering the scope and character of the gambling activity in such a manner that will disclose gross income from any gambling activity, amounts received from each player, the nature and value of prizes, and the fact of distributions of such prizes to the winners thereof;

~~((8))~~ (9) To regulate and establish maximum limitations on income derived from bingo: **PROVIDED**, That in establishing limitations pursuant to this subsection the commission shall take into account (i) the nature, character and scope of the activities of the licensee; (ii) the source of all other income of the licensee; (iii) the percentage or extent to which income derived from bingo is used for charitable, as distinguished from nonprofit, purposes;

~~((9))~~ (10) To regulate and establish the type and scope of and manner of conducting social card games permitted to be played, and the extent of wager, money or other thing of value which may be wagered or contributed or won by a player in a social card game;

~~((10))~~ (11) To regulate and establish a reasonable admission fee which may be imposed by an organization, corporation or person licensed to conduct a social card game on a person desiring to become a player in a social card game. A "reasonable admission fee" under this item shall be limited to a fee which would defray or help to defray the expenses of the game and which would not be contrary to the purposes of this chapter;

(12) To cooperate with and secure the cooperation of county, city and other local or state agencies in investigating any matter within the scope of its duties and responsibilities;

(13) In accordance with RCW 9.46.080, to adopt such rules and regulations as are deemed necessary to carry out the purposes and provisions of this chapter. All rules and regulations shall be adopted pursuant to 3(1)(b) of this 1975 amendatory act. All rules and regulations shall be adopted pursuant to the administrative procedure act, chapter 34.04 RCW;

(14) To set forth for the perusal of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended;

(15) To publish and make available at the office of the commission or elsewhere to anyone requesting it a list of the commission licensees, including the name, address, type of license, and license number of each licensee; and

(16) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

\*Sec. 3. was vetoed, see message at end of chapter.

Sec. 4. Section 9, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.090 are each amended to read as follows:

The commission shall, from time to time, make reports to the governor covering such matters in connection with this chapter as he may require, and in addition shall prepare and forward to the governor, to be laid before the legislature, a report for the period ending on the thirty-first day of December of 1973, and a report annually thereafter on the thirtieth day of June of each year, which report shall be a public document, and contain a detailed statement and balance sheet showing in general the fiscal condition of the commission and commission expenditures and receipts for the preceding interval, together with such general information and remarks as the commission deems pertinent thereto and any information requested by either the governor or members of the legislature: PROVIDED, That the ((first)) commission appointed pursuant to RCW 9.46.040 shall conduct a thorough study of the types of gambling activity permitted and the types of gambling activity prohibited by this chapter and shall ((submit to the session of the legislature convened in September, 1973, if there be one, or, if not, to the session of the legislature convened in January, 1974, a report making specific)) make recommendations to the legislature as to: (1) Gambling activity that ought to be permitted; (2) gambling activity that ought to be prohibited; (3) the types of licenses and permits that ought to be required; (4) ((the appropriate fee for each type of license and permit, and (5))) the type and amount of tax that ought to be applied to each type of permitted gambling activity; (5) any changes which may be made to the law of this state which further the purposes and policies set forth in RCW 9.46.010 as now law or hereafter amended; and (6) any other matter that the commission may deem appropriate. Members of the commission and its staff may contact the legislature, or any of its members, at any time, to advise it of recommendations of the commission.

The commission shall conduct a thorough study of the effectiveness of the criminal sections of the act, and penalties imposed thereby, and shall make a separate report to the legislature on or before January 1, 1977, outlining its findings and any recommendation for specific amendments to these sections it may have.

\*Sec. 5. Section 11, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.110 are each amended to read as follows:

The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules and regulations promulgated hereunder, may provide for the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the same: PROVIDED, That any such tax imposed by a county alone shall not apply to any gambling activity within a city or town located therein but the tax rate established by a county, if any, shall constitute the tax rate throughout such county including both incorporated and unincorporated areas, except for any city located therein with a population of twenty thousand or more persons as of the most recent decennial census taken by the federal government: PROVIDED FURTHER, That (1) punch boards and pull-tabs, chances on which shall only be sold to adults, which shall have a twenty-five cent limit on a single chance thereon, shall be taxed on a basis which shall reflect only the gross receipts from such punch boards and pull-tabs; and (2) no punch board or pull-tab may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; and (3) all prizes for punch boards and pull-tabs must be on display within the immediate area of the premises wherein any such punch board or pull-tab is located and upon a winning number or symbol being drawn, such prize must be immediately removed therefrom, or such omission shall be deemed a fraud for the purposes of this chapter; and (4) when any person shall win over five dollars in money or merchandise from any punch board ((or)), pull-tab((-)), or pull-tab dispensing device every licensee hereunder shall keep a public record thereof for at least ninety days thereafter containing such information as the commission shall deem necessary: AND PROVIDED FURTHER, That taxation of bingo((-)) and raffles ((and amusement games)) shall never be in an amount greater than ten percent of the gross revenue received therefrom less the amount paid for or as prizes((-)); taxation of punch boards ((and)), pull-tabs or pull-tab dispensing devices shall not exceed five percent of gross receipts; taxation of amusement games not conducted on the site of an agricultural fair, as authorized in chapter 15.76 and 36.37 RCW, shall not exceed ten percent of gross receipts less the amount paid for merchandise prizes; and taxation of amusement games conducted on the site of an agricultural fair, as authorized in chapters 15.76 and 36.37 RCW, shall not be permitted, but this prohibition shall not apply to any sales tax imposed by the local government pursuant to chapter 82.14 RCW.

\*Sec. 5. was vetoed, see message at end of chapter.

\*Sec. 6. Section 12, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.120 are each amended to read as follows:

(1) Except in the case of an agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a member of a bona fide charitable or nonprofit organization (and their employees) or any other person, association or organization (and their employees) approved by the commission, shall take any part in the management ((or)) operation of any gambling activity authorized under RCW 9.46.030, and no person who takes any part in the management ((or)) operation of any such gambling activity shall take any part in the management ((or)) operation of any gambling activity conducted by any other organization or any other branch of the same organization, unless approved by the commission, and no part of the proceeds thereof shall inure to the benefit of any person other than the organization conducting such gambling activities or if such gambling activities be for the charitable benefit of any specific persons designated in the application for a license, then only for such specific persons as so designated.

(2) No bona fide charitable or nonprofit organization or any other person, association or organization shall conduct any gambling activity authorized under RCW 9.46.030 in any leased premises if rental for such premises is unreasonable or to be paid, wholly or partly, on the basis of a percentage of the receipts or profits derived from such gambling activity.

\*Sec. 6. was vetoed, see message at end of chapter.

Sec. 7. Section 13, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.130 are each amended to read as follows:

The premises and paraphernalia, and all the books and records of any person, association or organization conducting gambling activities authorized under RCW 9.46.030 and any person, association or organization receiving profits therefrom or having any interest therein shall be subject to inspection and audit at any reasonable time, with or without notice, upon demand, by the commission or its designee, the attorney general or his designee, the chief of the Washington state patrol or his designee or the prosecuting attorney, sheriff or director of public safety or their designees of the county wherein located, or the chief of police or his designee of any city or town in which said organization is located, for the purpose of determining compliance or noncompliance with the provisions of this chapter and any rules or regulations adopted pursuant thereto.

The ~~((department of revenue))~~ commission shall be provided at such reasonable intervals as the ~~((department))~~ commission shall determine with a report, under oath, detailing all receipts and disbursements in connection with such gambling activities together with such other reasonable information as required in order to determine whether such activities comply with the purposes of this chapter or any local ordinances relating thereto. ~~((Upon request, copies of such reports shall be provided by the department of revenue to any law enforcement agency.))~~

Sec. 8. Section 14, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.140 are each amended to read as follows:

For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this chapter, the commission, or any person appointed by it in writing for the purpose, may inspect the books, documents and records of any person lending money to or in any manner financing any license holder or applicant for a license or receiving any income or profits from the use of such license for the purpose of determining compliance or noncompliance with

the provisions of this chapter or the rules and regulations adopted pursuant thereto. The commission, or its designee, may conduct hearings, administer oaths, take depositions, compel the attendance of witnesses and issue subpoenas pursuant to RCW 34.04.105. The commission may appoint hearing officers to conduct hearings respecting the suspension, revocation or denial of licenses, who may administer oaths, admit or deny admission of evidence, compel the attendance of witnesses, issue subpoenas, issue orders and exercise all other powers and perform all other functions set out in RCW 34.04.090 (6) and (8), 34.04.100 and 34.04.105. The salaries and expenses of such hearing officers may be paid from any revenues available to the commission.

Sec. 9. Section 16, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.160 are each amended to read as follows:

Any person who conducts (~~gambling activities~~) any activity for which a license is required by this chapter, or by rule of the commission, without ((a)) the required license issued by the commission shall be guilty of a felony and upon conviction shall be punished by imprisonment for not more than five years or by a fine of not more than one hundred thousand dollars, or both. If any corporation conducts any (~~gambling~~) activity for which a license is required by this chapter, or by rule of the commission, without ((a)) the required license issued by the commission, it may be punished by forfeiture of its corporate charter, in addition to the other penalties set forth in this section.

Sec. 10. Section 21, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 9, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.210 are each amended to read as follows:

(1) It shall be the duty of and all peace officers or law enforcement officers or law enforcement agencies within this state are hereby empowered to investigate, and enforce and prosecute all violations of this chapter. Law enforcement agencies of cities and counties shall investigate and report to the commission all violations of the provisions of this chapter and of the rules of the commission found by them and shall assist the commission in any of its investigations and proceedings respecting any such violations. Such law enforcement agencies shall not be deemed agents of the commission.

(2) In addition to its other powers and duties, the commission shall have the power to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession and sale of equipment or paraphernalia used or for use in connection therewith. The director, both assistant directors and each of the investigators and inspectors assigned by the department of motor vehicles to the commission shall have the power, under the supervision of the commission, to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power and authority to apply for and execute all warrants and serve process of law issued by the courts in enforcing the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as

it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power to arrest without a warrant, any person or persons found in the act of violating any of the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession and sale of equipment or paraphernalia used or for use in connection therewith. To the extent set forth above, the commission shall be a law enforcement agency of this state with the power to investigate for violations of and to enforce the provisions of this chapter, as now law or hereafter amended, and to obtain information from and provide information to all other law enforcement agencies.

NEW SECTION. Sec. 11. There is added to chapter 9.46 RCW a new section to read as follows:

Any county, city or town which collects a tax on gambling activities authorized pursuant to RCW 9.45.110 shall use the revenue from such tax primarily for the purpose of enforcement of the provisions of this chapter by the county, city or town law enforcement agency.

NEW SECTION. Sec. 12. There is added to chapter 9.46 RCW a new section to read as follows:

The commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein:

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control;

(2) Knowingly causes, aids, abets, or conspires with another to cause, any person to violate any of the laws of this state or the rules of the commission;

(3) Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;

(4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, wilful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of any crime, whether a felony or misdemeanor involving any gambling activity or involving moral turpitude;

(5) Denies the commission or its authorized representatives, including authorized local law enforcement agencies, access to any place where a licensed activity is conducted or who fails promptly to produce for inspection or audit any book, record, document or item required by law or commission rule;



(6) Shall fail to display its license on the premises where the licensed activity is conducted at all times during the operation of the licensed activity;

(7) Makes a misrepresentation of, or fails to disclose, a material fact to the commission.

For the purpose of reviewing any application for a license and for considering the denial, suspension or revocation of any license the gambling commission may consider any prior criminal conduct of the applicant and the provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to such cases.

NEW SECTION. Sec. 13. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

Any fishing derby, defined under the provisions of section 1(7) of this 1975 amendatory act, shall not be subject to any other provisions of this 1975 amendatory act or to any rules or regulations of the commission.

*\*NEW SECTION. Sec. 14. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:*

*The commission shall adopt special rules and regulations for small scale gambling and annual fund raising events which shall be designed to carry out the purposes of this 1975 amendatory act without making it exceedingly burdensome for organizations to conduct such small scale gambling.*

**\*Sec. 14. was vetoed, see message at end of chapter.**

NEW SECTION. Sec. 15. If any provision of this 1975 amendatory 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.

NEW SECTION. Sec. 16. This 1975 amendatory 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 House May 26, 1975.

Passed the Senate May 22, 1975.

Approved by the Governor June 4, 1975, with the exception of sections 1, 2, 3, 5, 6 and 14 which are vetoed.

Filed in Office of Secretary of State June 4, 1975.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to several sections Substitute House Bill No. 212 entitled:

"AN ACT Relating to gambling."

At each of the past several sessions of the Legislature, bills have been passed amending the gambling statutes, primarily to extend the scope of gambling activities authorized. As Governor, I have believed it to be my responsibility to review these bills in detail and to remove from the bills those provisions which were most objectionable because of the problems they would have created for law enforcement officials throughout the state. The Legislature could have resolved many of the problems in the bills had law enforcement officials been consulted during the legislative process on the effect of individual amendments to the law. As in the past sessions, the Legislature has apparently failed again to consult those officials, and as a result I am compelled to veto several portions of this bill, which, if allowed to go into effect, would have created serious problems for law enforcement officials in maintaining legalized gambling in this state from professional gambling interests. I

regret that several meritorious changes in the law were written into the same sections that I have vetoed, and I am unable to preserve those provisions without the power of the item veto.

Sections 1, 2 and 3 contain several related provisions on small scale gambling, annual fund-raising events, and sports pools. The subsections relating to small scale gambling and annual fund-raising events both contain a ceiling of \$5,000 on gross wagers and bets received by the sponsoring organization. The difficulty presented by this provision is that enormous amounts of money could be exchanging hands among persons betting between themselves with the organization receiving nothing, or if anything, a token amount. Thus while the gross total of \$5,000 sounds like a fairly innocuous amount, it is by no means an accurate measure of the amount of gambling that may take place, including gambling for very high stakes. Moreover, there is no provision for record keeping, no license required, no requirement that local law enforcement officers be notified of the event, and simply stated, no way by which gambling regulations can be enforced and violations detected. Since no license is required for these events, the provisions of RCW 9.46.160, which prescribes penalties for conducting gambling activities without license, could not be applied to gambling which might take place in flagrant violation of statutory authorization or Gambling Commission rule.

The provisions relating to sports pools create serious problems of enforcement because of the large amount which may be wagered for each square and the absence of any limit on the number of pools that may be conducted simultaneously and on the same premises. Again, there is no requirement for record-keeping, which is particularly needed for sports pools conducted in commercial premises if there is to be any enforcement of commission rules.

For these reasons, I have determined to veto sections 1, 2, and 3.

Section 5 contains language which would prohibit local taxation of amusement games at agricultural fairs. The ostensible reason for this provision is the claim that the local jurisdictions already receive fees to pay for their services from the fee that is charged to the amusement game operator to participate at the fair. This argument ignores the fact that the same can be said of any other business that procures a license and also pays taxes to the local jurisdiction. For this reason, and also because the section contains language tied to provisions in section 1, 2 and 3, I have determined to veto section 5.

Section 6 contains changes identical to those in section 1(2), and would, according to proponents of the changes, allow a person who is a member of more than one organization conducting bingo games to volunteer his or her services to assist in all those organizations as long as the person did not participate in the management of the organization. The existing language in the law was placed there to prevent professional bingo operators from conducting bingo games, thereby reducing the risks of customers being cheated or income being substantially taken by such operators instead of accruing to the charitable or non-profit organizations sponsoring the games. The changes enacted in this bill make it more difficult to prevent the presence of professional operators, and would place the Gambling Commission and local law enforcement personnel in the position of having to distinguish between managerial and non-managerial tasks. Accordingly, I have determined to veto section 6.

Section 14 is integrally tied to provisions in sections 1, 2 and 3 which I have vetoed, and would make no sense standing alone. Accordingly, I have vetoed that section.

I have determined not to veto section 13, which is also tied to language relating to fishing derbies in sections 1, 2 and 3, which sections were vetoed for other reasons stated above. It is my intent that notwithstanding the reference in section 13 to a revised definition in section 1(7), the intent of the Legislature in exempting fishing derbies from any other provisions of this act or from any rules and regulations of the Gambling Commission should be carried out. I have no objections to exempting such fishing derbies, and regret that related language in other sections of the bill could not be preserved from section vetoes. I believe that with the language of section 13 and the intent stated in this message, the Gambling Commission has sufficient authority to refrain from regulation of fishing derbies.

I wish to make special note of the fact that I support revised statutory language on small scale gambling and sports pools, and probably would have approved language originally drafted by their proponents and concurred in by the Gambling Commission. However, the provisions related thereto have suffered the same consequences as many other worthwhile changes in past gambling bills, and amendments added during the legislative process have made those provisions far broader than first intended. I specifically regret that the well-intentioned and diligent efforts of organizations such as the Washington Congress of Parents, Teachers and Students are hereby negated because of changes made in the enactment of this bill.

With the exception of sections 1, 2, 3, 5, 6, and 14 which I have vetoed for the reasons stated, the remainder of Substitute House Bill No. 212 is approved."

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## CHAPTER 167

[House Bill No. 105]

### STATE MOTOR VEHICLE TRANSPORTATION SERVICE

AN ACT Relating to state government; transferring the state motor pool to the department of general administration; amending section 43.19.010, chapter 8, Laws of 1965 and RCW 43.19.010; adding new sections to chapter 8, Laws of 1965 and to chapter 43.19 RCW; adding new sections to chapter 239, Laws of 1969 ex. sess. and to chapter 43.41 RCW; repealing section 43.91.010, chapter 8, Laws of 1965 and RCW 43.91.010; repealing section 43.91.020, chapter 8, Laws of 1965 and RCW 43.91.020; repealing section 43.91.030, chapter 8, Laws of 1965 and RCW 43.91.030; repealing section 43.91.040, chapter 8, Laws of 1965 and RCW 43.91.040; repealing section 43.91.050, chapter 8, Laws of 1965 and RCW 43.91.050; repealing section 43.91.060, chapter 8, Laws of 1965 and RCW 43.91.060; repealing section 43.91.070, chapter 8, Laws of 1965 and RCW 43.91.070; repealing section 43.91.080, chapter 8, Laws of 1965 and RCW 43.91.080; providing penalties; and declaring an emergency.

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

Section 1. Section 43.19.010, chapter 8, Laws of 1965 and RCW 43.19.010 are each amended to read as follows:

The department of general administration shall be organized into ~~((five))~~ divisions, ~~((to be known as))~~ which shall include (1) the division of banking, (2) the division of savings and loan associations, (3) the division of capitol buildings, (4) the division of purchasing, ~~((and))~~ (5) the division of engineering and architecture, and the division of motor vehicle transportation service.

The director of general administration shall have charge and general supervision of the department. He may appoint and deputize such clerical and other assistants as may be necessary for the general administration of the department. The director of general administration shall receive a salary in an amount fixed by the governor.

NEW SECTION. Sec. 2. There is added to chapter 8, Laws of 1965 and to chapter 43.19 RCW a new section to read as follows:

As used in sections 3 through 18 of this 1975 amendatory act, the following definitions shall apply:

(1) "Passenger motor vehicle" means any sedan, station wagon, bus, or light truck which is designed for carrying ten passengers or less and is used primarily for the transportation of persons;

(2) "State agency" shall include any state office, agency, commission, department, or institution financed in whole or in part from funds appropriated by the legislature. It shall also include the state printer, but it shall not include (a) the state supreme court or any agency of the judicial branch or (b) the legislature or