

CHAPTER 180

[Reengrossed Senate Bill No. 2306]

USURY—DEFENSE, ACTIONS—COMMERCIAL
OR BUSINESS PURPOSE TRANSACTIONS

AN ACT Relating to usury; amending section 1, chapter 142, Laws of 1969 ex. sess. as amended by section 2, chapter 97, Laws of 1970 ex. sess. and RCW 19.52.080.

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

Section 1. Section 1, chapter 142, Laws of 1969 ex. sess. as amended by section 2, chapter 97, Laws of 1970 ex. sess. and RCW 19.52.080 are each amended to read as follows:

Corporations, Massachusetts trusts, associations, trusts, general partnerships, joint ventures, limited partnerships, and persons ((engaged in the business of lending money or the development or improvement of real estate in the state of Washington)) may not plead the defense of usury nor maintain any action thereon or therefor if the transaction was exclusively for commercial or business purposes: PROVIDED, HOWEVER, That this section shall not apply ((only)) to a consumer transaction ((which involves an amount in excess of one hundred)) of any amount, or to a commercial or business transaction not exceeding fifty thousand dollars.

Consumer transactions, as used in this section, shall mean transactions primarily for personal, family, or household purposes.

Passed the Senate April 8, 1975.

Passed the House May 26, 1975.

Approved by the Governor June 4, 1975.

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

CHAPTER 181

[Engrossed Senate Bill No. 2386]

SNOWMOBILES

AN ACT Relating to snowmobiles; amending section 3, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.030; amending section 8, chapter 29, Laws of 1971 ex. sess. as last amended by section 3, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.080; amending section 9, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.090; amending section 15, chapter 29, Laws of 1971 ex. sess. as amended by section 4, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.150; amending section 19, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.190; adding new sections to chapter 46.10 RCW; prescribing penalties; and making an appropriation.

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

Section 1. Section 3, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.030 are each amended to read as follows:

No registration shall be required under the provisions of this chapter for the following described snowmobiles:

(1) Snowmobiles owned and operated by the United States, another state, or a political subdivision thereof.

(2) Snowmobiles owned and operated by this state, or by any municipality or political subdivision thereof.

(3) A snowmobile owned by a resident of another state if that snowmobile is registered in accordance with the laws of the state in which its owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for snowmobiles registered in this state: PROVIDED, That any snowmobile which is validly registered in another state and which is physically located in this state for a period of more than ~~((sixty))~~ fifteen consecutive days shall be subject to registration under the provisions of this chapter.

~~((4) Snowmobiles operated exclusively on lands owned and under the control of the owner thereof.))~~

Sec. 2. Section 8, chapter 29, Laws of 1971 ex. sess. as last amended by section 3, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.080 are each amended to read as follows:

The moneys collected by the department as snowmobile registration fees shall be distributed in the following manner:

(1) Ten percent each year for the first two years after August 9, 1971, and five percent each year for each year thereafter shall be retained by the department to cover expenses incurred in the administration of this chapter.

(2) Twenty-five percent each year shall be distributed to the treasurers of those counties of this state having significant snowmobile use in such sums or upon such a formula as shall be determined by the director after consulting with and obtaining the advice of the Washington state association of counties, and shall be deposited in the county ~~((general))~~ parks and recreation fund and expended ~~((to defray the cost of administering this chapter))~~ for snowmobile purposes.

(3) For the first two years after August 9, 1971, fifteen percent each year shall be remitted to the state treasurer for deposit into the general fund and shall be credited to the commission and shall be expended for snow removal operations at other than developed recreational facilities. Thereafter twenty percent each year shall be so remitted for such purposes: PROVIDED, That the unused portion of the moneys allotted to the commission for snow removal operations at other than developed recreational facilities, as provided for in this section and in RCW 46.10.150, from the registration moneys and the gasoline fuel tax, as of March 1 of the second year of the biennium shall revert to the snowmobile development and operation fund of the commission, which fund is hereby created.

(4) Fifty percent each year shall be remitted to the state treasurer to be deposited in the general fund, and forty percent of such fifty percent shall remain in the general fund and shall be subject to legislative appropriation until the cumulative totals of such amounts subject to legislative appropriation deposited under this section and under RCW 46.10.150 as now or hereafter amended shall equal forty thousand dollars, or shall equal so much of the appropriation under section 7 of this 1975 amendatory act as is actually used if the entire appropriation of forty thousand dollars is not used. The remainder of such fifty percent shall be credited in equal amounts to the commission, the department of natural resources, and the department of game and shall be expended on the development or operation of snowmobile facilities, but not on the acquisition ~~((or operation))~~ thereof. The commission, the department of natural resources and the department of game shall, not later than ~~((March 1st))~~ July 15 of each year, prepare and submit to the

Washington state parks and recreation commission an annual report which shall indicate the purposes for which such amounts were expended.

Sec. 3. Section 15, chapter 29, Laws of 1971 ex. sess. as amended by section 4, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.150 are each amended to read as follows:

From time to time, but at least once each biennium, the director shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be a tax on snowmobile fuel, and the treasurer shall refund such amounts and place them in the general fund(~~(+)~~); twenty-five percent of such amounts shall be credited to the commission and shall be expended by it for snow removal operations at other than developed recreational facilities; seventy-five percent of such amounts shall be credited(~~(;)~~) as follows: Forty percent of such seventy-five percent to the general fund to be subject to legislative appropriation until the cumulative totals of such amounts subject to legislative appropriation under this section and under RCW 46.10.080(4) as now or hereafter amended shall equal forty thousand dollars, or shall equal so much of the appropriation under section 7 of this 1975 amendatory act as is actually used if the entire appropriation of forty thousand dollars is not used. The remainder of such seventy-five percent shall be credited in equal amounts, to the commission, department of natural resources, and the department of game, and shall be expended for the development and/or operation, but not acquisition, of snowmobile facilities.

NEW SECTION. Sec. 4. There is added to chapter 46.10 RCW a new section to read as follows:

Each snowmobile dealer registered pursuant to the provisions of RCW 46.10.050 shall register the snowmobile or, in the event the snowmobile is currently registered, transfer the registration to the new owner prior to delivering the snowmobile to that new owner subsequent to the sale thereof by the dealer. Applications for registration and transfer of registration of snowmobiles shall be made to agents of the department authorized as such in accordance with RCW 46.01.140 and 46.01.150 as now or hereafter amended.

Sec. 5. Section 9, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.090 are each amended to read as follows:

It shall be unlawful for any person to operate any snowmobile:

- (1) At a rate of speed greater than reasonable and prudent under the existing conditions.
- (2) While under the influence of intoxicating liquor or narcotics or habit forming drugs.
- (3) In a manner so as to endanger the person or property of another.
- (4) Without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others.
- (5) Without an adequate braking device which may be operated either by hand or foot.
- (6) Without an adequate and operating muffling device which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise, and, on snowmobiles manufactured after January 4, 1973, which shall effectively maintain such noise at a level of eighty-two decibels or below on

the "A" scale at one hundred feet under testing procedures as established by the Washington state patrol; except snowmobiles used in organized racing events in an area designated for that purpose may use a bypass or cutout device.

(7) Upon the paved portion or upon the shoulder or inside bank or slope of any public roadway or highway, or upon the median of any divided highway, except as provided in RCW 46.10.100 and 46.10.110.

(8) In any area or in such a manner so as to expose the underlying soil or vegetation, or to injure, damage, or destroy trees or growing crops.

(9) Without a current registration decal affixed thereon, if not exempted under RCW 46.10.030 as now or hereafter amended.

Sec. 6. Section 19, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.190 are each amended to read as follows:

(1) Except as provided in RCW 46.10.130, any person violating the provisions of this chapter shall be guilty of a misdemeanor: PROVIDED, That the penalty for failing to have a registration decal under RCW 46.10.090 as now or hereafter amended shall, upon conviction, be a fine of twenty-five dollars.

(2) In addition to the penalties provided in subsection (1) of this section, the operator and/or the owner of any snowmobile used with the permission of the owner shall be liable for three times the amount of any damage to trees, shrubs, growing crops, or other property injured as the result of travel by such snowmobile over the property involved.

NEW SECTION. Sec. 7. There is added to chapter 46.10 RCW a new section to read as follows:

In order to establish a pilot program of cooperation between snowmobile users, county governments, and the state parks and recreation commission, there is hereby appropriated to the Washington state parks and recreation commission, forty thousand dollars or so much thereof as may be needed from the general fund for the purchase, operation, and maintenance of a snow groomer for use in maintaining and improving snowmobile trails: PROVIDED, That such forty thousand dollars or so much thereof as is actually used shall be repaid to the general fund by June 30, 1977, from moneys available pursuant to RCW 46.10.080(4) and 46.10.150 as now or hereafter amended. The state parks and recreation commission shall be responsible for the pilot program and shall report the results and expenses to the standing parks and recreation committees prior to the 1977 legislative session.

Passed the Senate May 27, 1975.

Passed the House May 26, 1975.

Approved by the Governor June 4, 1975.

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

CHAPTER 182

[Engrossed Substitute Senate Bill No. 2443]

SHORELINE MANAGEMENT

AN ACT Relating to shoreline management; amending section 3, chapter 286, Laws of 1971 ex. sess. as amended by section 1, chapter 203, Laws of 1973 1st ex. sess. and RCW 90.58.030; amending section 12, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.120; amending section 14, chapter