

## CHAPTER 158

[House Bill No. 849]

## DEPARTMENT OF LICENSING—STATUTORY DEVOLUTION

AN ACT Relating to state government; amending section 7, chapter 172, Laws of 1935 as last amended by section 2, chapter 302, Laws of 1971 ex. sess. and RCW 9.41.070; amending section 11, chapter 172, Laws of 1935 as last amended by section 4, chapter 227, Laws of 1969 ex. sess. and RCW 9.41.110; amending section 1, chapter 109, Laws of 1953 as amended by section 1, chapter 90, Laws of 1969 ex. sess. and RCW 9.41.170; amending section 6, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.060; amending section 3, chapter 314, Laws of 1977 ex. sess. and RCW 10.97.030; amending section 14, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.278; amending section 11, chapter 226, Laws of 1949 as last amended by section 17, chapter 292, Laws of 1971 ex. sess. and RCW 18.04.120; amending section 19, chapter 226, Laws of 1949 as last amended by section 2, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.200; amending section 21, chapter 226, Laws of 1949 as last amended by section 3, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.220; amending section 28, chapter 226, Laws of 1949 as last amended by section 5, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.290; amending section 6, chapter 75, Laws of 1923 as last amended by section 5, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.050; amending section 3, chapter 84, Laws of 1959 as last amended by section 7, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.065; amending section 14, chapter 75, Laws of 1923 as last amended by section 6, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.090; amending section 1, chapter 25, Laws of 1974 ex. sess. and RCW 18.18.010; amending section 8, chapter 215, Laws of 1937 as amended by section 17, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.020; amending section 7, chapter 215, Laws of 1937 as last amended by section 24, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.100; amending section 20, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.300; amending section 6, chapter 38, Laws of 1917 as last amended by section 4, chapter 77, Laws of 1973 and RCW 18.22.040; amending section 15, chapter 97, Laws of 1974 ex. sess. and RCW 18.26.035; amending section 4, chapter 171, Laws of 1967 as amended by section 13, chapter 97, Laws of 1974 ex. sess. and RCW 18.26.040; amending section 5, chapter 171, Laws of 1967 and RCW 18.26.050; amending section 7, chapter 171, Laws of 1967 as last amended by section 33, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.26.070; amending section 19, chapter 171, Laws of 1967 and RCW 18.26.190; amending section 21, chapter 171, Laws of 1967 and RCW 18.26.210; amending section 22, chapter 171, Laws of 1967 and RCW 18.26.220; amending section 23, chapter 171, Laws of 1967 and RCW 18.26.230; amending section 24, chapter 171, Laws of 1967 and RCW 18.26.240; amending section 29, chapter 171, Laws of 1967 and RCW 18.26.290; amending section 30, chapter 171, Laws of 1967 and RCW 18.26.300; amending section 28, chapter 16, Laws of 1923 as last amended by section 24, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.29.020; amending section 29, chapter 16, Laws of 1923 as amended by section 2, chapter 47, Laws of 1969 and RCW 18.29.030; amending section 31, chapter 16, Laws of 1923 and RCW 18.29.060; amending section 32, chapter 16, Laws of 1923 as last amended by section 26, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.29.070; amending section 36, chapter 16, Laws of 1923 and RCW 18.29.100; amending section 1, chapter 130, Laws of 1951 as last amended by section 1, chapter 236, Laws of 1971 ex. sess. and RCW 18.32.030; amending section 2, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.520; amending section 2, chapter 43, Laws of 1957 and RCW 18.34.020; amending section 1, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.010; amending section 1, chapter 108, Laws of 1937 as last amended by section 1, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.010; amending section 4, chapter 108, Laws of 1937 as last amended by section 1, chapter 120, Laws of 1972 ex. sess. and RCW 18.39.040; amending section 11, chapter 108, Laws of 1937 as amended by section 2, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.180; amending section 1, chapter 153, Laws of 1965 as last amended by section 1, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.010; amending section 4, chapter 160, Laws of 1917 and RCW 18.50.060; amending section 2, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.020; amending section 6,

chapter 57, Laws of 1970 ex. sess. as amended by section 38, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.52.060; amending section 2, chapter 144, Laws of 1919 as amended by section 3, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.53.020; amending section 7, chapter 144, Laws of 1919 as last amended by section 7, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.53.140; amending section 5, chapter 25, Laws of 1963 as amended by section 9, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.54-.050; amending section 7, chapter 25, Laws of 1963 as amended by section 10, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.54.070; amending section 14, chapter 25, Laws of 1963 as amended by section 12, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.54-.140; amending section 2, chapter 60, Laws of 1957 as last amended by section 1, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.010; amending section 2, chapter 284, Laws of 1961 as last amended by section 41, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.71.015; amending section 36, chapter 202, Laws of 1955 as last amended by section 62, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.71.080; amending section 36, chapter 202, Laws of 1955 as last amended by section 11, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.080; amending section 36, chapter 202, Laws of 1955 as last amended by section 11, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.080; amending section 44, chapter 202, Laws of 1955 as amended by section 14, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.180; amending section 2, chapter 110, Laws of 1973 1st ex. sess. and RCW 18.71.230; amending section 3, chapter 190, Laws of 1975 1st ex. sess. and RCW 18.71A.070; amending section 10, chapter 202, Laws of 1955 as amended by section 42, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.72.100; amending section 25, chapter 202, Laws of 1955 as amended by section 1, chapter 58, Laws of 1969 and RCW 18.72.250; amending section 13, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.130; amending section 2, chapter 239, Laws of 1949 as amended by section 44, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.74.020; amending section 12, chapter 239, Laws of 1949 as amended by section 11, chapter 75, Laws of 1977 and RCW 18.74.120; amending section 5, chapter 222, Laws of 1949 as amended by section 3, chapter 79, Laws of 1967 and RCW 18.78.050; amending section 9, chapter 222, Laws of 1949 as last amended by section 68, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.78.080; amending section 10, chapter 222, Laws of 1949 as last amended by section 69, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.78.090; amending section 1, chapter 305, Laws of 1955 as amended by section 1, chapter 70, Laws of 1965 and RCW 18.83.010; amending section 2, chapter 252, Laws of 1941 as last amended by section 1, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.010; amending section 4, chapter 202, Laws of 1949 as last amended by section 3, chapter 133, Laws of 1973 and RCW 18.88.030; amending section 1, chapter 200, Laws of 1959 and RCW 18.90.010; amending section 21, chapter 71, Laws of 1941 as last amended by section 1, chapter 44, Laws of 1974 ex. sess. and RCW 18.92.015; amending section 6, chapter 71, Laws of 1941 as last amended by section 5, chapter 44, Laws of 1974 ex. sess. and RCW 18.92-.070; amending section 3, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.030; amending section 1, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.010; amending section 2, chapter 319, Laws of 1977 ex. sess. and RCW 19.02.020; amending section 3, chapter 319, Laws of 1977 ex. sess. and RCW 19.02.030; amending section 4, chapter 319, Laws of 1977 ex. sess. and RCW 19.02.040; amending section 5, chapter 319, Laws of 1977 ex. sess. and RCW 19.02.050; amending section 7, chapter 319, Laws of 1977 ex. sess. and RCW 19.02.070; amending section 2, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 222, Laws of 1977 ex. sess. and RCW 19-.09.020; amending section 1, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.100; amending section 2, chapter 228, Laws of 1969 ex. sess. as amended by section 1, chapter 51, Laws of 1977 ex. sess. and RCW 19.31.020; amending section 1, chapter 252, Laws of 1971 ex. sess. as last amended by section 3, chapter 33, Laws of 1973 1st ex. sess. and RCW 19.100.010; amending section 1, chapter 106, Laws of 1972 ex. sess. and RCW 19-.105.010; amending section 60, chapter 282, Laws of 1959 as last amended by section 1, chapter 188, Laws of 1977 ex. sess. and RCW 21.20.005; amending section 45, chapter 282, Laws of 1959 as amended by section 25, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.450; amending section 9, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.720; amending section 4, chapter 220, Laws of 1959 as amended by section 21, chapter 26, Laws of 1967 ex. sess. and RCW 23.90.040; amending section 4, chapter 153, Laws of 1969 ex. sess. and RCW 28A.04.131; amending section 15, chapter 234, Laws of

1959 as last amended by section 17, chapter 57, Laws of 1971 ex. sess. and RCW 34.04-.150; amending section 12, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.277; amending section 1, chapter 117, Laws of 1977 ex. sess. and RCW 43.07.150; amending section 6, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.580; amending section 43.24.010, chapter 8, Laws of 1965 as amended by section 1, chapter 100, Laws of 1965 and RCW 43.24.010; amending section 43.24.020, chapter 8, Laws of 1965 as amended by section 2, chapter 100, Laws of 1965 and RCW 43.24.020; amending section 42, chapter 170, Laws of 1965 ex. sess. and RCW 43.24.024; amending section 43.24.040, chapter 8, Laws of 1965 and RCW 43.24.040; amending section 43.24.060, chapter 8, Laws of 1965 as last amended by section 105, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.24.060; amending section 43.24.080, chapter 8, Laws of 1965 as amended by section 4, chapter 100, Laws of 1965 and RCW 43.24.080; amending section 21, chapter 266, Laws of 1971 ex. sess. as amended by section 93, chapter 30, Laws of 1975 1st ex. sess. and RCW 43.24.085; amending section 43.24.110, chapter 8, Laws of 1965 as last amended by section 106, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.24.110; amending section 43.24.120, chapter 8, Laws of 1965 as amended by section 112, chapter 81, Laws of 1971 and RCW 43.24.120; amending section 43.24.130, chapter 8, Laws of 1965 and RCW 43.24.130; amending section 1, chapter 52, Laws of 1971 and RCW 43.24.140; amending section 3, chapter 147, Laws of 1967 ex. sess. as last amended by section 7, chapter 85, Laws of 1971 ex. sess. and RCW 43.59.030; amending section 43.74.005, chapter 8, Laws of 1965 and RCW 43.74.005; amending section 43.74.060, chapter 8, Laws of 1965 and RCW 43.74.060; amending section 2, chapter 5, Laws of 1965 as amended by section 1, chapter 56, Laws of 1972 ex. sess. and RCW 43.99.020; amending section 3, chapter 5, Laws of 1965 as last amended by section 1, chapter 50, Laws of 1975-'76 2nd ex. sess. and RCW 43.99.030; amending section 4, chapter 5, Laws of 1965 and RCW 43.99.040; amending section 7, chapter 5, Laws of 1965 and RCW 43.99.070; amending section 1, chapter 201, Laws of 1973 1st ex. sess. as amended by section 9, chapter 235, Laws of 1977 ex. sess. and RCW 44.40.070; amending section 1, chapter 334, Laws of 1977 ex. sess. and RCW 46.01.011; amending section 2, chapter 156, Laws of 1965 as amended by section 2, chapter 334, Laws of 1977 ex. sess. and RCW 46.01.020; amending section 4, chapter 156, Laws of 1965 and RCW 46.01.040; amending section 5, chapter 156, Laws of 1965 as amended by section 34, chapter 281, Laws of 1969 ex. sess. and RCW 46.01.050; amending section 117, chapter 32, Laws of 1967 as amended by section 35, chapter 281, Laws of 1969 ex. sess. and RCW 46.01.055; amending section 7, chapter 156, Laws of 1965 and RCW 46.01.070; amending section 9, chapter 156, Laws of 1965 and RCW 46.01.090; amending section 46.08.140, chapter 12, Laws of 1961 as amended by section 11, chapter 156, Laws of 1965 and RCW 46.01.110; amending section 46.08.090, chapter 12, Laws of 1961 as last amended by section 2, chapter 103, Laws of 1973 and RCW 46.01.130; amending section 46.08.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 146, Laws of 1975 1st ex. sess. and RCW 46.01.140; amending section 19, chapter 156, Laws of 1965 and RCW 46.01.190; amending section 44, chapter 170, Laws of 1965 ex. sess. as amended by section 1, chapter 52, Laws of 1975 and RCW 46.01.230; amending section 46.08.110, chapter 12, Laws of 1961 as amended by section 3, chapter 32, Laws of 1967 and RCW 46.01.250; amending section 4, chapter 25, Laws of 1975 and RCW 46.04.690; amending section 5, chapter 25, Laws of 1975 and RCW 46.04.695; amending section 2, chapter 169, Laws of 1975 1st ex. sess. and RCW 46.08.066; amending section 7, chapter 47, Laws of 1971 ex. sess. as last amended by section 1, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.020; amending section 22, chapter 47, Laws of 1971 ex. sess. as last amended by section 14, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.170; amending section 1, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.010; amending section 46.12.010, chapter 12, Laws of 1961 as last amended by section 6, chapter 25, Laws of 1975 and RCW 46.12.010; amending section 13, chapter 231, Laws of 1971 ex. sess. and RCW 46.12.105; amending section 46.12.200, chapter 12, Laws of 1961 as amended by section 11, chapter 32, Laws of 1967 and RCW 46.12.200; amending section 2, chapter 125, Laws of 1969 ex. sess. and RCW 46.12.260; amending section 6, chapter 231, Laws of 1971 ex. sess. and RCW 46.12.280; amending section 14, chapter 231, Laws of 1971 ex. sess. and RCW 46.12.290; amending section 6, chapter 91, Laws of 1975-'76 2nd ex. sess. and RCW 46.12.350; amending section 3, chapter 202, Laws of 1967 and RCW 46.16.025; amending section 2, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.225; amending section 4, chapter 202, Laws of

1967 and RCW 46.16.460; amending section 7, chapter 202, Laws of 1967 and RCW 46.16.490; amending section 10, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.600; amending section 11, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.605; amending section 4, chapter 1, Laws of 1969 and RCW 46.20.092; amending section 46.20.100, chapter 12, Laws of 1961 as last amended by section 87, chapter 154, Laws of 1973 1st ex. sess. and RCW 46.20.100; amending section 1, chapter 54, Laws of 1975 and RCW 46.20.113; amending section 51, chapter 145, Laws of 1967 ex. sess. as last amended by section 1, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.115; amending section 5, chapter 155, Laws of 1969 ex. sess. and RCW 46.20.118; amending section 46.20.300, chapter 12, Laws of 1961 as amended by section 29, chapter 32, Laws of 1967 and RCW 46.20.300; amending section 1, chapter 1, Laws of 1969 as amended by section 4, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.20.308; amending section 47, chapter 170, Laws of 1965 ex. sess. and RCW 46.20.430; amending section 50, chapter 145, Laws of 1967 ex. sess. and RCW 46.20.505; amending section 2, chapter 120, Laws of 1963 as amended by section 36, chapter 32, Laws of 1967 and RCW 46.21.020; amending section 9, chapter 169, Laws of 1963 as amended by section 1, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.090; amending section 46.32.010, chapter 12, Laws of 1961 as amended by section 48, chapter 32, Laws of 1967 and RCW 46.32.010; amending section 46.37.430, chapter 12, Laws of 1961 as amended by section 47, chapter 281, Laws of 1969 ex. sess. and RCW 46.37.430; amending section 51, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.529; amending section 46.44.095, chapter 12, Laws of 1961 as last amended by section 33, chapter 151, Laws of 1977 ex. sess. and RCW 46.44.095; amending section 2, chapter \_\_\_ (HB 345), Laws of 1979 and RCW 46.52.030; amending section 46.52.060, chapter 12, Laws of 1961 as last amended by section 67, chapter 75, Laws of 1977 and RCW 46.52.060; amending section 46.52.080, chapter 12, Laws of 1961 as last amended by section 15, chapter 62, Laws of 1975 and RCW 46.52.080; amending section 46.52.100, chapter 12, Laws of 1961 as amended by section 60, chapter 32, Laws of 1967 and RCW 46.52.100; amending section 39, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.104; amending section 5, chapter 42, Laws of 1969 ex. sess. as amended by section 44, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.108; amending section 46.52.110, chapter 12, Laws of 1961 as last amended by section 6, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.110; amending section 7, chapter 42, Laws of 1969 ex. sess. as amended by section 41, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.111; amending section 8, chapter 42, Laws of 1969 ex. sess. as amended by section 42, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.112; amending section 9, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.113; amending section 2, chapter 42, Laws of 1969 ex. sess. as amended by section 45, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.115; amending section 11, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.116; amending section 12, chapter 42, Laws of 1969 ex. sess. as amended by section 43, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.117; amending section 3, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1192; amending section 2, chapter 111, Laws of 1971 ex. sess. and RCW 46.52.150; amending section 23, chapter 121, Laws of 1965 ex. sess. as amended by section 71, chapter 32, Laws of 1967 and RCW 46.64.025; amending section 4, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.020; amending section 5, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.030; amending section 7, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.050; amending section 8, chapter 284, Laws of 1971 ex. sess. as amended by section 1, chapter 83, Laws of 1973 1st ex. sess. and RCW 46.65.060; amending section 9, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.070; amending section 10, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.080; amending section 12, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.100; amending section 46.68.010, chapter 12, Laws of 1961 as amended by section 73, chapter 32, Laws of 1967 and RCW 46.68.010; amending section 46.68.090, chapter 12, Laws of 1961 as last amended by section 8, chapter 317, Laws of 1977 ex. sess. and RCW 46.68.090; amending section 46.68.120, chapter 12, Laws of 1961 as last amended by section 42, chapter 151, Laws of 1977 ex. sess. and RCW 46.68.120; amending section 3, chapter \_\_\_ (HB 345), Laws of 1979 and RCW 46.70.011; amending section 6, chapter 74, Laws of 1967 ex. sess. as last amended by section 2, chapter 125, Laws of 1977 ex. sess. and RCW 46.70.041; amending section 46.72.020, chapter 12, Laws of 1961 as amended by section 80, chapter 32, Laws of 1967 and RCW 46.72.020; amending section 46.76.020, chapter 12, Laws of 1961 as amended by section 91, chapter 32, Laws of 1967 and RCW 46.76.020; amending section 1, chapter 110, Laws of 1971 ex. sess. and RCW 46.79.010; amending section 2, chapter

110, Laws of 1971 ex. sess. and RCW 46.79.020; amending section 46.80.020, chapter 12, Laws of 1961 as last amended by section 3, chapter 253, Laws of 1977 ex. sess. and RCW 46.80.020; amending section 46.80.030, chapter 12, Laws of 1961 as last amended by section 4, chapter 253, Laws of 1977 ex. sess. and RCW 46.80.030; amending section 46.80.090, chapter 12, Laws of 1961 as last amended by section 7, chapter 253, Laws of 1977 ex. sess. and RCW 46.80.090; amending section 2, chapter 39, Laws of 1963 as last amended by section 2, chapter 76, Laws of 1977 and RCW 46.81.010; amending section 3, chapter 39, Laws of 1963 as last amended by section 3, chapter 76, Laws of 1977 and RCW 46.81.020; amending section 46.82.010, chapter 12, Laws of 1961 as amended by section 106, chapter 32, Laws of 1967 and RCW 46.82.010; amending section 46.82.060, chapter 12, Laws of 1961 as last amended by section 107, chapter 32, Laws of 1967 and RCW 46.82.060; amending section 46.82.140, chapter 12, Laws of 1961 as last amended by section 136, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 46.82.140; amending section 3, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.020; amending section 4, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.030; amending section 32, chapter 281, Laws of 1969 ex. sess. and RCW 46.88.010; amending section 10, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.121; amending section 26, chapter 151, Laws of 1977 ex. sess. and RCW 47.01.250; amending section 23, chapter 165, Laws of 1947 as last amended by section 2, chapter 68, Laws of 1967 ex. sess. and RCW 47.68.230; amending section 25, chapter 165, Laws of 1947 as last amended by section 8, chapter 9, Laws of 1967 ex. sess. and RCW 47.68.250; amending section 8, chapter 163, Laws of 1977 ex. sess. and RCW 48.40.035; amending section 2, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.020; amending section 3, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.030; amending section 9-302, chapter 157, Laws of 1965 ex. sess. as last amended by section 6, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-302; amending section 9-401, chapter 157, Laws of 1965 ex. sess. as amended by section 7, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-401; amending section 9-403, chapter 157, Laws of 1965 ex. sess. as last amended by section 8, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-403; amending section 9-404, chapter 157, Laws of 1965 ex. sess. as last amended by section 9, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-404; amending section 9-405, chapter 157, Laws of 1965 ex. sess. as last amended by section 10, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-405; amending section 9-406, chapter 157, Laws of 1965 ex. sess. as last amended by section 11, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-406; amending section 12, chapter 114, Laws of 1967 as amended by section 12, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-409; amending section 7, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.16.040; amending section 14, chapter 108, Laws of 1937 and RCW 68.08.230; amending section 10, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.100; amending section 6, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.060; amending section 1, chapter 178, Laws of 1949 as last amended by section 1, chapter 60, Laws of 1972 ex. sess. and RCW 73.04.110; amending section 82.12.045, chapter 15, Laws of 1961 as last amended by section 1, chapter 10, Laws of 1969 ex. sess. and RCW 82.12.045; amending section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 317, Laws of 1977 ex. sess. and RCW 82.36.010; amending section 6, chapter 317, Laws of 1977 ex. sess. and RCW 82.36.025; amending section 2, chapter 22, Laws of 1963 ex. sess. as amended by section 1, chapter 67, Laws of 1965 and RCW 82.37.020; amending section 3, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.020; amending section 1, chapter 335, Laws of 1977 ex. sess. and RCW 82.38.075; amending section 18, chapter 175, Laws of 1971 ex. sess. as last amended by section 3, chapter 26, Laws of 1977 and RCW 82.38.170; amending section 1, chapter 10, Laws of 1967 ex. sess. as amended by section 1, chapter 254, Laws of 1969 ex. sess. and RCW 82.42.010; amending section 82.44.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 332, Laws of 1977 ex. sess. and RCW 82.44.020; amending section 82.44.040, chapter 15, Laws of 1961 as last amended by section 12, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.44.040; amending section 52, chapter 299, Laws of 1971 ex. sess. as amended by section 13, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.44.045; amending section 82.44.060, chapter 15, Laws of 1961 as last amended by section 2, chapter 54, Laws of 1975-'76 2nd ex. sess. and RCW 82.44.060; amending section 82.44.070, chapter 15, Laws of 1961 as last amended by section 2, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.070; amending section 82.44.110, chapter 15, Laws of 1961 as last amended by section 2, chapter 332, Laws of 1977 ex. sess. and RCW

82.44.110; amending section 82.44.120, chapter 15, Laws of 1961 as last amended by section 95, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.44.120; amending section 82.44.140, chapter 15, Laws of 1961 as amended by section 3, chapter 121, Laws of 1967 and RCW 82.44.140; amending section 1, chapter 87, Laws of 1972 ex. sess. as amended by section 5, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.150; amending section 82.48.010, chapter 15, Laws of 1961 as amended by section 1, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.010; amending section 82.48.020, chapter 15, Laws of 1961 as last amended by section 27, chapter 149, Laws of 1967 ex. sess. and RCW 82.48.020; amending section 55, chapter 299, Laws of 1971 ex. sess. as amended by section 15, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.50.400; amending section 59, chapter 299, Laws of 1971 ex. sess. as amended by section 2, chapter 9, Laws of 1975 1st ex. sess. and RCW 82.50.440; amending section 3, chapter 9, Laws of 1975 1st ex. sess. and RCW 82.50.471; decodifying RCW 43.24.022, 46.01.061, and 46.09.230; repealing section 46.04.680, chapter 12, Laws of 1961, section 2, chapter 32, Laws of 1967 and RCW 46.04.680; and declaring an emergency.

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

Section 1. Section 7, chapter 172, Laws of 1935 as last amended by section 2, chapter 302, Laws of 1971 ex. sess. and RCW 9.41.070 are each amended to read as follows:

The judge of a court of record, the chief of police of a municipality, or the sheriff of a county, shall within thirty days after the filing of an application of any person issue a license to such person to carry a pistol concealed on his person within this state for two years from date of issue, for the purposes of protection or while engaged in business, sport or while traveling. Such citizen's constitutional right to bear arms shall not be denied to him, unless he is ineligible to own a pistol under the provisions of RCW 9.41.040 as now or hereafter amended or there exists a record of his prior court conviction of a crime of violence or of drug addiction or of habitual drunkenness or of confinement to a mental institution: PROVIDED, That such permit shall be revoked immediately upon conviction of a crime which makes such a person ineligible to own a pistol. The license shall be in triplicate, in form to be prescribed by the state director of (~~(motor vehicles)~~) licensing, and shall bear the name, address, and description, fingerprints and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of (~~(motor vehicles)~~) licensing and the triplicate shall be preserved for six years, by the authority issuing said license.

(1) The fee for the original issuance of a two-year license shall be five dollars: PROVIDED, That the fee shall be distributed as follows:

- (a) Two dollars shall be paid to the state general fund;
- (b) One dollar fifty cents shall be paid to the agency taking the fingerprints of the person licensed; and
- (c) One dollar fifty cents shall be paid to the issuing authority for the purpose of enforcing this chapter.

(2) The fee for the renewal of such license shall be three dollars: PROVIDED, That the fee shall be distributed as follows:

- (a) One dollar shall be paid to the state general fund; and

(b) Two dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

Sec. 2. Section 11, chapter 172, Laws of 1935 as last amended by section 4, chapter 227, Laws of 1969 ex. sess. and RCW 9.41.110 are each amended to read as follows:

The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of (~~(motor vehicles)~~) licensing effective for not more than one year from the date of issue permitting the licensee to sell pistols within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in RCW 9.41.010 through 9.41.160.

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No pistol shall be sold (a) in violation of any provisions of RCW 9.41.010 through 9.41.160, nor (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

(4) A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the director of (~~(motor vehicles)~~) licensing and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, color and place of birth of the purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the director of (~~(motor vehicles)~~) licensing; the triplicate the dealer shall retain for six years.

(5) This section shall not apply to sales at wholesale.

(6) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses.

(7) Except as provided in RCW 9.41.090 as now or hereinafter amended, every city, town and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

The fee paid for issuing said license shall be five dollars which fee shall be paid into the state treasury.

Sec. 3. Section 1, chapter 109, Laws of 1953 as amended by section 1, chapter 90, Laws of 1969 ex. sess. and RCW 9.41.170 are each amended to read as follows:

It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shotgun, rifle, or other firearm, without first having obtained a license from the director of ~~((motor vehicles))~~ licensing, and such license is not to be issued by the director of ~~((motor vehicles))~~ licensing except upon the certificate of the consul domiciled in the state and representing the country of such alien, that he is a responsible person and upon the payment for the license of the sum of fifteen dollars: PROVIDED, That this section shall not apply to Canadian citizens resident in a province which has an enactment or public policy providing substantially similar privilege to residents of the state of Washington and who are carrying or possessing weapons for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used as to weapons used in such contest. Nothing in this section shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Sec. 4. Section 6, chapter 244, Laws of 1975 1st ex. sess. and RCW 10-.05.060 are each amended to read as follows:

If the report recommends treatment, the court shall examine the treatment plan. If it approves the plan and the defendant agrees to comply with its terms and conditions and agrees to pay the cost thereof or arrange for the treatment, an entry shall be made upon the person's court docket showing that the person has been accepted for deferred prosecution. A copy of the treatment plan shall be attached to the docket, which shall then be removed from the regular court dockets and filed in a special court deferred prosecution file. If the charge be one that an abstract is required to be sent to the department of ~~((motor vehicles))~~ licensing, an abstract of the docket showing the charge and the date of defendant's acceptance for deferred prosecution shall be sent to the department of ~~((motor vehicles))~~ licensing, which shall make an entry of the charge and of the defendant's acceptance for deferred prosecution on the department's driving record of the defendant.

Sec. 5. Section 3, chapter 314, Laws of 1977 ex. sess. and RCW 10.97-.030 are each amended to read as follows:

For purposes of this chapter, the definitions of terms in this section shall apply.



(1) "Criminal history record information" means information contained in records collected by criminal justice agencies, other than courts, on individuals, other than juveniles, consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including sentences, correctional supervision, and release. The term includes information contained in records maintained by or obtained from criminal justice agencies, other than courts, which records provide individual identification of a person together with any portion of the individual's record of involvement in the criminal justice system as an alleged or convicted offender, except:

(a) Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons;

(b) Original records of entry maintained by criminal justice agencies to the extent that such records are compiled and maintained chronologically and are accessible only on a chronological basis;

(c) Court indices and records of public judicial proceedings, court decisions, and opinions, and information disclosed during public judicial proceedings;

(d) Records of traffic violations which are not punishable by a maximum term of imprisonment of more than ninety days;

(e) Records of any traffic offenses as maintained by the department of ~~((motor vehicles))~~ licensing for the purpose of regulating the issuance, suspension, revocation, or renewal of drivers' or other operators' licenses and pursuant to RCW 46.52.130 as now existing or hereafter amended;

(f) Records of any aviation violations or offenses as maintained by the ~~((aeronautics commission))~~ department of transportation for the purpose of regulating pilots or other aviation operators, and pursuant to RCW ~~((14-04.330))~~ 47.68.330 as now existing or hereafter amended;

(g) Announcements of executive clemency.

(2) "Nonconviction data" consists of all criminal history record information relating to an incident which has not led to a conviction or other disposition adverse to the subject, and for which proceedings are no longer actively pending. There shall be a rebuttable presumption that proceedings are no longer actively pending if more than one year has elapsed since arrest, citation, or service of warrant and no disposition has been entered.

(3) "Conviction record" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the subject.

(4) "Conviction or other disposition adverse to the subject" means any disposition of charges, except a decision not to prosecute, a dismissal, or acquittal: PROVIDED, HOWEVER, That a dismissal entered after a period of probation, suspension, or deferral of sentence shall be considered a disposition adverse to the subject.

(5) "Criminal justice agency" means: (a) A court; or (b) a government agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice.

(6) "The administration of criminal justice" means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The term also includes criminal identification activities and the collection, storage, dissemination of criminal history record information, and the compensation of victims of crime.

(7) "Disposition" means the formal conclusion of a criminal proceeding at whatever stage it occurs in the criminal justice system.

(8) "Dissemination" means disclosing criminal history record information or disclosing the absence of criminal history record information to any person or agency outside the agency possessing the information, subject to the following exceptions:

(a) When criminal justice agencies jointly participate in the maintenance of a single record keeping department as an alternative to maintaining separate records, the furnishing of information by that department to personnel of any participating agency is not a dissemination;

(b) The furnishing of information by one criminal justice agency to another for the purpose of processing a matter through the criminal justice system, such as a police department providing information to a prosecutor for use in preparing a charge resulting from an investigation by that department, is not a dissemination;

(c) The reporting of an event to a record keeping agency for the purpose of maintaining the record is not a dissemination.

(9) "State planning agency" shall mean that agency designated by law or executive order to fulfill the functions established by 42 U.S.C. Section 3701, the "Omnibus Crime Control and Safe Streets Act of 1968", as amended.

**\*Sec. 6. Section 14, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.278 are each amended to read as follows:**

***Notwithstanding any other provision of this chapter, whenever a child is arrested for a violation of any law, including municipal ordinances, regulating the operation of vehicles on the public highways, a copy of the traffic citation and a record of the action taken by the juvenile court shall be forwarded by the court to the director of ((licenses)) licensing in the same manner as provided in RCW 46.20.280.***

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

Sec. 7. Section 11, chapter 226, Laws of 1949 as last amended by section 17, chapter 292, Laws of 1971 ex. sess. and RCW 18.04.120 are each amended to read as follows:

The certificate of "certified public accountant" shall be issued by the director of ~~((motor vehicles))~~ licensing upon the authority of the board, to any person (1) who is a resident of this state or who has a place of business or is employed in this state, and (2) who has attained the age of eighteen years, and (3) who is of good moral character, and (4) who shall have successfully passed a written examination the contents of which shall be determined by the board, said examination, however, to contain at least the following subjects, theory of accounts, accounting practice, auditing, commercial law as affecting public accounting and insofar as practical, the examination and grading service of the American Institute of Certified Public Accountants shall be used, but the board shall have the authority to examine beyond that which is contained in the examination of the American Institute of Certified Public Accountants, and (5) who meets such requirements of education as determined by the board, within the intent of subsection (4).

(6) The board may require in addition to education and successful examination that an applicant to be certified shall submit an affidavit of a licensed public accountant or certified public accountant that such applicant has been employed in the position of public accountant for a period of not more than two years in the office of such licensed public accountant or certified public accountant.

Any person holding a registration as a licensed public accountant on June 12, 1969 shall have the right to take succeeding examinations for certified public accountant when he has met the requirements which were in effect immediately prior to the passage of chapter 114, Laws of 1969.

The board shall have the authority to accept experience in private or governmental accounting or auditing work of a character and for a length of time sufficient in the opinion of the board to be substantially equivalent to the requirements of subsection (6) of this section: **PROVIDED**, That the length of time which may be established by the board shall not exceed four years.

Sec. 8. Section 19, chapter 226, Laws of 1949 as last amended by section 2, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.200 are each amended to read as follows:

The director of ~~((motor vehicles))~~ licensing shall register a partnership as a partnership of certified public accountants if the partnership meets the following requirements:

(1) At least one partner must hold a valid certificate to practice in this state as a certified public accountant;

(2) Each partner personally engaged within this state in the practice of public accounting must hold a valid certificate to practice in this state as a certified public accountant; and

(3) Each partner must hold a valid certificate, license, permit or degree authorizing him to practice as a certified public accountant in a state, territory, or possession of the United States;

(4) Each resident manager in charge of an office of the partnership in this state must hold a valid certificate to practice in this state as a certified public accountant; and

(5) The application for registration as a partnership of certified public accountants must be approved by the board.

Application for such registration shall be in writing, sworn to by a partner of such partnership who holds a valid certificate to practice in this state as a certified public accountant. A notice of amendment shall be filed with the board within one month after the admission to, or withdrawal of a partner from, any partnership so registered. A fee in an amount determined by the board in accordance with this chapter not to exceed thirty dollars must accompany each original application and each notice of amendment.

Sec. 9. Section 21, chapter 226, Laws of 1949 as last amended by section 3, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.220 are each amended to read as follows:

The director of (~~motor vehicles~~) licensing shall register a partnership as a partnership of licensed public accountants if the partnership meets the following requirements:

(1) At least one general partner must hold a valid certificate to practice in this state as a certified public accountant or a valid license to practice in this state as a licensed public accountant;

(2) Each partner personally engaged within this state in the practice of public accounting must hold a valid certificate to practice in this state as a certified public accountant or a valid license to practice in this state as a licensed public accountant;

(3) Each partner must hold a valid certificate, license, permit or degree authorizing him to practice as either a certified public accountant or a licensed public accountant in a state, territory, or possession of the United States;

(4) Each resident manager in charge of an office of the partnership in this state must hold a valid certificate to practice in this state as a certified public accountant or a valid license to practice in this state as a licensed public accountant; and

(5) The application for registration as a partnership of licensed public accountants must be approved by the board.

Application for such registration shall be in writing, sworn to by a partner of such partnership who holds a valid certificate to practice in this state as a certified public accountant or a valid license to practice in this state as a licensed public accountant. A notice of amendment shall be filed with the board within one month after the admission to, or withdrawal of a partner from, any partnership so registered. A fee in an amount determined by the

board in accordance with this chapter not to exceed thirty dollars must accompany each original application and each notice of amendment.

Sec. 10. Section 28, chapter 226, Laws of 1949 as last amended by section 5, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.290 are each amended to read as follows:

(1) The director of (~~(motor vehicles)~~) licensing shall upon application issue an annual permit to practice public accounting in this state to any person or partnership authorized to engage in such practice in this state under a valid certificate, license, or registration, to any corporation presently authorized to do business under RCW 18.04.350, as now or hereafter amended, and to any candidate for a certificate as a certified public accountant who has passed the entire examination given by the examining committee as provided in RCW 18.04.120 as now or hereafter amended. Such permits shall expire on the thirtieth day of June of each year. The annual fee for a permit to practice public accounting in this state shall be in an amount determined by the board in accordance with this chapter not to exceed fifty dollars. In the event the holder of a permit fails to renew the same prior to the expiration thereof such failure shall not deprive a person or partnership otherwise entitled to such permit of the right to renew the same upon the payment of the fees which the applicant would have been required to pay if the permit had been renewed prior to its expiration.

(2) Every person practicing public accounting shall as a prerequisite to annual renewal of such permit, submit to the Washington state board of accountancy satisfactory proof of having, during the preceding three years, completed fifteen days or an accumulation of one hundred twenty hours of continuing education recognized and approved by the board: PROVIDED, That this subsection shall not apply to applications for renewal until three years after July 16, 1973: PROVIDED, That this requirement may be waived by the board for good cause.

Sec. 11. Section 6, chapter 75, Laws of 1923 as last amended by section 5, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.050 are each amended to read as follows:

Barber examinations shall be held six times in each year in the months of February, April, June, August, October, and December; and on such particular dates, within the said times, and in such particular cities and places as the director of (~~(motor vehicles)~~) licensing shall determine. Every applicant for a license or permit to practice barbering in this state shall be required to take an examination in each branch as follows: (1) Sanitation as applied to the practice of barbering, (2) sterilization as applied to the practice of barbering, (3) and as to whether he has sufficient knowledge of the common contagious and infectious diseases of the face, skin, and scalp, to avoid spreading thereof in the practice of barbering; (4) and as to whether he has sufficient knowledge of the use of chemicals, creams, lotions, and solutions as applied in the practice of barbering; (5) and in any other portion

of the curriculum as required by this law; and such applicant shall be required to demonstrate to the barber examining committee his professional skill and ability in performing the following barber services: (1) Haircutting, (2) shaving, (3) massaging, (4) shampooing, and (5) conditioning his barber tools.

Any applicant, other than one applying under the provisions of RCW 18.15.040, who secures a passing grade in each branch of not less than seventy-five percent in his examination and who demonstrates to the satisfaction of the barber examining committee that he possesses the required professional skill and ability to properly perform each of the said barber services, not less than sixty-five percent of perfect, and possesses the other particular qualifications provided in this chapter, shall be entitled to receive, and the director shall issue to him, a permit to practice barbering in this state. Every person receiving such permit shall be required to serve one and one-half years (eighteen months) under the direct supervision of a licensed barber. A year shall be construed to mean a period of not less than fifty-two weeks consisting of forty hours per week of service by the permittee. He must then pass an examination not less than seventy-five percent of perfect, and demonstrate to the satisfaction of the barber examining committee that he possesses the required professional skill and ability to properly perform each of the said barber services, not less than seventy-five percent of perfect, and possesses the qualifications required in this chapter, after which the director shall issue to him a license to practice barbering.

Any applicant under the provisions of RCW 18.15.040 who secures a grade in each branch of not less than seventy-five percent in his examination and who demonstrates to the satisfaction of the barber examining committee that he possesses the required professional skill and ability to properly perform each of the said barber services, not less than seventy-five percent of perfect, and possesses the other particular qualifications provided in this chapter, shall be entitled to receive, and the director shall issue to him a license to practice barbering in this state, until the first day of July next following the issuance of such license. Every applicant for such license shall pay a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, which fee shall accompany his application. The director upon receipt of such application and fee shall notify the applicant of the particular date, city, and place where he is to appear for his examination for a license or permit to practice barbering in this state.

Any unsuccessful applicant for a license or permit to practice barbering in this state shall be entitled to appear at any subsequent barber examination and be reexamined for a license or permit, as the case may be, to practice barbering in this state upon the payment of a reexamination fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, and which reexamination fee shall be paid at the time of application for such reexamination, said application and fee to be submitted

to the director at least fifteen days prior to an examination date: PROVIDED, That an unsuccessful applicant for a permit shall return to an approved school or college for an additional two hundred fifty hours of instruction before he may be reexamined.

Any person who applies for a license or permit to practice barbering under this chapter, and who does not appear for examination at the time, date, and place as notified by the director, shall forfeit application fees, and must reapply with a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, which fee shall accompany his new application.

Any person holding a current manager-operator license of this state issued under the provisions of chapter 18.18 RCW shall be deemed qualified to apply to the director to be examined for a license to practice barbering, pursuant to the provisions of this chapter: PROVIDED, That any such applicant who fails said examination must then enroll in a licensed barber school of this state and complete a course of instruction of not less than two hundred fifty hours before applying to be reexamined for a barber license. The curriculum for such course of instruction shall be determined by the barber examining committee and approved by the director.

Sec. 12. Section 3, chapter 84, Laws of 1959 as last amended by section 7, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.15.065 are each amended to read as follows:

It shall be unlawful for any firm, corporation, or person to operate a barber shop without a shop location license for each barber shop. Application therefor shall be made to the director of ~~((motor vehicles))~~ licensing. Each application for a license shall be accompanied by a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Upon receipt of the application and fee, the director shall issue a shop location license, if the barber shop meets the requirements of this chapter. Each license shall be issued for the shop and persons named in the application. Application for the transfer or assignment of a shop location license shall be upon such form as the director shall prescribe, and application shall be made within ten days of the sale or transfer. Upon the receipt of the application and a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, the director shall assign or transfer the shop location license, if the assignee or transferee and the barber shop meets the requirements of this chapter. If the application for transfer or assignment is not made within ten days, a penalty fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended will be made, prior to issuance of a license.

All licenses issued under this section shall expire on the first day of July next succeeding the date of issue. Each such license shall be renewable annually on or before the expiration date, and the application for renewal shall be accompanied by a fee determined by the director as provided in RCW

43.24.085 as now or hereafter amended. Failure to obtain a renewal before delinquency shall work a forfeiture of the shop location license, but the license may be reinstated at any time after forfeiture upon the payment of the annual renewal fee, together with a penalty fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, upon satisfactory inspection.

Sec. 13. Section 14, chapter 75, Laws of 1923 as last amended by section 6, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.090 are each amended to read as follows:

Any firm, corporation or person desiring to conduct or operate a barber school or barber college in this state shall first secure from the director of ~~((motor vehicles))~~ licensing a permit to do so, and shall keep the same prominently displayed. No barber school or college shall be issued a permit by the director of ~~((motor vehicles))~~ licensing unless such school or college is financially responsible, and will be able in the judgment of the director to carry out and perform any contract made for the instruction of students therein.

Such school or college shall instruct students therein in the practice of barbering, including shaving and cutting of the hair and beard, and the various services incident thereto, preparation and care of tools used, sanitation as applied to barbering, knowledge concerning the common diseases of the face and skin to avoid aggravation and spreading thereof in the practice of barbering, and the use of chemicals, creams, lotions, and solutions as applied in the practice of barbering. Such barber school or college shall be managed and operated by a barber duly licensed as a manager-instructor under the provisions of this chapter, and shall at all times, while open and in operation, be in charge and under the direct supervision of a barber duly licensed as an instructor or manager-instructor under the provisions of this chapter.

Every school or college shall at all times maintain one barber duly licensed as a manager-instructor or instructor, and there shall be at least one such licensed instructor or manager-instructor for each twenty students or fraction thereof, in attendance; and there shall be at least one such instructor or manager-instructor on the floor at all times when the barber school or college is open to serve the public, which said instructor or manager-instructor shall devote his entire time to the instruction of students therein and who shall at no time operate any particular barber's chair in such school or college, or practice any barbering therein except while giving instructions to a student therein. Every such school or college shall at all times maintain on each window therein, facing upon any street, a sign in plain letters at least six inches high composed of the words "barber school" or "barber college," placed as nearly as practicable in the center between



top and bottom of any such window, and, if desired by the manager-instructor of such school or college, underneath these words, a sign with letters no greater in size, composed of the words "shaving" and/or "hair cutting," giving the price charged; and such school or college shall not at any time keep or maintain upon any of the windows or doors of such school or college, or use in any advertisement, any sign or words "barber shop," "expert barbering," or other similar words, or display any barber pole or barber pole stripes such as has long been used to designate a barber shop, or barber shop services as distinguished from services performed by student barbers in such school or college. Every such school or college, at all times when open for business, shall place and maintain upon the floor within its premises in front of each entrance a standing floor sign composed of the words "student barbers perform all services herein" painted in three-inch red letters upon a white standing floor sign thirty inches high and twenty inches wide, and designed as prescribed by the director. The director shall revoke the license of any school or college which shall violate any of the provisions of this chapter, or which shall fail to impart to each student in such school or college the instructions herein required.

No barber school or college shall be operated unless it is under the control of a barber licensed as a manager-instructor.- Each applicant for a manager-instructor's license shall submit an application to the director on such forms as it may prescribe. The qualifications for such a license, license fees and license renewal fees shall be the same as those prescribed for an instructor's license. The examination for a manager-instructor's license, shall in addition to the requirements for an instructor's license, include business management as related to barber shops and barber schools, state laws and regulations relating to the operation of barber schools and barbering, and such other subjects relating to the operation of barber schools or colleges as the examining committee may prescribe. The name and designation of the licensee as manager-instructor shall appear on each school or college location license issued by the director. A manager-instructor's license shall stand revoked if not used for a period of two years, after which time licentiate must be reexamined as for a new license.

Sec. 14. Section 1, chapter 25, Laws of 1974 ex. sess. and RCW 18.18-.010 are each amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section:

(1) "Practice of hairdressing" or "hairdressing" means the arranging, dressing, curling, waving, permanent waving, cleansing, bleaching or coloring of the hair, fitting and dressing of wigs and hair pieces on or off the head other than incidental to retail sales, or doing similar work thereon by use of the hands or any method of mechanical application or appliances or the practice of haircutting;

(2) "Hairdresser" means any person, firm or corporation who engages in the practice of hairdressing;

(3) "Practice of cosmetology" or "cosmetology" means the massaging, cleansing, stimulating, manipulating, exercising or beautifying of the scalp, face, arms, bust or upper part of the body, or doing similar work thereon with the hands or with any mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptic tonics, lotions, creams, similar preparations or compounds, and manicuring the nails or removing superfluous hair or the practice of haircutting;

(4) "Cosmetologist" means any person, firm or corporation who engages in the practice of cosmetology;

(5) "Practice of manicuring" means the manicuring of nails of the hands and feet, also the administration of facials, by the use of hands and appliances;

(6) "Manicurist" means any person who engages in the practice of manicuring;

(7) A "student" is any person of the age of seventeen or over who has graduated from an accredited high school, or has an equivalent education as determined by the director whose determination shall be conclusive, who attends a duly licensed cosmetology school, and who does not receive any wage or commission: PROVIDED, That (~~the amendments to~~) this subdivision shall not apply to any person attending as a student prior to (~~the effective date of this amendatory section~~) June 11, 1959;

(8) An "operator" is a person of the age of eighteen years or over, who has been licensed to practice hairdressing and cosmetology under the direct supervision and direction of a manager operator;

(9) A "manager operator" is any person having practiced as an operator under the supervision of a manager operator for at least one year;

(10) A "shop" is any building or structure, or any part thereof, other than a school, wherein the practice of hairdressing and cosmetology is conducted;

(11) A "school" is an institution of learning devoted exclusively to the instruction and training of students in the practice of hairdressing and cosmetology;

(12) An "instructor operator" is a person who gives instruction in the practice of hairdressing and cosmetology in a school and who has the qualifications of a manager operator and who has passed an instructor examination: PROVIDED, That the provisions of this subdivision shall not apply to any person acting as an instructor operator on March 16, 1951. An instructor operator shall not perform in a cosmetology school, cosmetology services for members of the public except for instructional purposes;

(13) "Director" means the director of (~~the department of motor vehicles~~) licensing;

(14) "Committee" means the cosmetology examining committee;

(15) "Board" means the hearing board.

Sec. 15. Section 8, chapter 215, Laws of 1937 as amended by section 17, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.020 are each amended to read as follows:

The director (~~(of motor vehicles)~~) shall, in addition to other duties imposed by law, adopt rules for carrying out the provisions of this chapter and conducting examinations of applicants for licenses; for governing the recognition of, and the credits to be given to, the study of hairdressing and cosmetology under a hairdresser and cosmetologist or any school of hairdressing and cosmetology licensed under the laws of another state, territory or the District of Columbia, and shall, subject to the approval of the state board of health, promulgate rules for the prevention of infectious or contagious diseases in hairdressing and cosmetology shops and schools, and shall furnish to each person, firm or corporation licensed under this chapter a copy of such rules; shall hold examinations of all applicants for a license under this chapter, and grant licenses to those qualified. The director (~~(of motor vehicles)~~) shall keep all examination papers on file for at least one year, which file shall be open to the inspection of the applicant or his agent.

Sec. 16. Section 7, chapter 215, Laws of 1937 as last amended by section 24, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.100 are each amended to read as follows:

All examinations for license shall be conducted and given by the examining committee under the supervision and direction of the director (~~(of motor vehicles)~~), in the manner provided by law. No person shall, however, be appointed as a member of an examining committee for the purpose of conducting examinations and performing other duties imposed by this chapter unless he is an operator and of the age of at least twenty-five years, has the qualifications of an instructor, has been a citizen of the state for at least three years immediately prior to his appointment, has been engaged in actual practice as a hairdresser, cosmetologist, or instructor for at least five years, is not connected directly or indirectly with any school of hairdressing and cosmetology, and is not connected directly or indirectly in the business of the manufacturing, renting or selling of hairdressing or cosmetology appliances and supplies at wholesale.

Sec. 17. Section 20, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.300 are each amended to read as follows:

Within ninety days after July 16, 1973 the examining committee, under the supervision and direction of the director (~~(of motor vehicles)~~), shall devise the qualifications necessary for and an examination for the practice of manicuring, for which a separate license shall hereafter be required under this chapter, except for persons holding a valid license in the practice of beauty culture: PROVIDED, That any person engaged in the practice of manicuring for at least one year prior to July 16, 1973 shall be deemed

qualified for such a license without an examination therefor. Applications for licenses shall be made on such form and require such information and certificates, as required by the examining committee and be accompanied by the proper application fee. Examinations shall be held at regular intervals throughout the year as the examining committee deems necessary. The provisions of RCW 18.18.110 shall not be applicable hereto.

Sec. 18. Section 6, chapter 38, Laws of 1917 as last amended by section 4, chapter 77, Laws of 1973 and RCW 18.22.040 are each amended to read as follows:

Before any person shall be permitted to take an examination for the issuance of a podiatry license, he shall furnish the director of (~~(motor vehicles)~~) licensing with satisfactory proof that:

- (1) He is eighteen years of age or over;
- (2) He is of good moral character; and

(3) He has received a diploma or certificate of graduation from a legally incorporated, regularly established and recognized school of podiatry having as a minimum requirement not less than four thousand two hundred sixteen scholastic hours given over a period of four years with personal attendance.

"Recognized" means official recognition by the Council of Education of the American Podiatry Association: PROVIDED, That each applicant, prior to the beginning of his course in podiatry or registration or matriculation in a recognized school of podiatry, must have as a minimum requirement, a four years' course in a high school or its equivalent and the successful completion of a two years' residence course of work of college grade leading toward the degree of bachelor of science.

Sec. 19. Section 15, chapter 97, Laws of 1974 ex. sess. and RCW 18.26.035 are each amended to read as follows:

The filing by the board in the office of the director of (~~(motor vehicles)~~) licensing of a certificate or order of revocation or suspension after due notice, hearing and findings in accordance with the procedure specified in this chapter, certifying that any holder of a license has been found guilty of unprofessional conduct by the board, shall constitute a revocation or suspension of the license to practice chiropractic in this state in accordance with the terms and conditions imposed by the board and embodied in the certificate or order of revocation or suspension. Such certificate or order of revocation or suspension, if appealed, may be stayed by the board or by the reviewing court upon such terms as is deemed proper.

Sec. 20. Section 4, chapter 171, Laws of 1967 as amended by section 13, chapter 97, Laws of 1974 ex. sess. and RCW 18.26.040 are each amended to read as follows:

There is hereby created the Washington state chiropractic disciplinary board to be composed of three members to be named by the Washington Chiropractors Association, Incorporated and three members to be named by

the Chiropractic Society of Washington and one additional member who shall be the director of ~~((the department of motor vehicles))~~ licensing or his designee from the department of ~~((motor vehicles))~~ licensing. Initial members shall be named within thirty days after the effective date of this chapter, whose names and addresses shall be promptly sent to the director of ~~((motor vehicles))~~ licensing, and such board shall meet and organize at a time and place to be determined by the director of ~~((the department of motor vehicles))~~ licensing within sixty days after the effective date of this chapter and after written notice to the named members of such date and place.

The director of ~~((the department of motor vehicles))~~ licensing or his designee shall designate the terms of the initial members of the disciplinary board. For terms beginning January 1, 1975, one initial member from each of the two groups, the Washington Chiropractors Association, Incorporated, and the Chiropractic Society of Washington, shall be designated for a one-year term, one member from each group shall be designated for a two-year term, and one member from each group shall be designated for a three-year term.

Thereafter, each of said groups shall, annually, designate the members of the board who shall succeed to said position upon the expiration of said initial term. Such subsequent designations shall be for a term of three years, except the director or his designee from the department of ~~((motor vehicles))~~ licensing.

Sec. 21. Section 5, chapter 171, Laws of 1967 and RCW 18.26.050 are each amended to read as follows:

Vacancies on the board shall be filled as provided for initially for the position for which a vacancy exists. The vacancy shall be filled within thirty days of the existence thereof and the director of ~~((the department of motor vehicles))~~ licensing shall be informed of the name and address of the person named to fill the vacancy.

Sec. 22. Section 7, chapter 171, Laws of 1967 as last amended by section 33, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.26.070 are each amended to read as follows:

Members of the board may be paid thirty-five dollars for each day spent in performing their duties as members of the board and may be paid their travel expenses while engaged in the business of the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, with such reimbursement to be paid out of the general fund on vouchers approved by the ~~((budget))~~ director of financial management and signed by the director of ~~((motor vehicles))~~ licensing.

Sec. 23. Section 19, chapter 171, Laws of 1967 and RCW 18.26.190 are each amended to read as follows:

If a majority of the members of the board then sitting vote in favor of finding the accused guilty of unprofessional conduct as specified in the charges, or any of the charges the board shall prepare written findings of fact and may thereafter prepare and file in the office of the director of ~~((motor vehicles))~~ licensing a certificate or order of revocation or suspension, in which case a copy thereof shall be served upon the accused, or the board may reprimand the accused, as it deems most appropriate.

Sec. 24. Section 21, chapter 171, Laws of 1967 and RCW 18.26.210 are each amended to read as follows:

The filing by the board in the office of the director of ~~((motor vehicles))~~ licensing of a certificate or order of revocation or suspension after due notice, hearing and findings in accordance with the procedure specified in this chapter, certifying that any holder of a license has been found guilty of unprofessional conduct by the board, shall constitute a revocation or suspension of the license to practice chiropractic in this state in accordance with the terms and conditions imposed by the board and embodied in the certificate or order of revocation or suspension: PROVIDED, That if the licensee seeks judicial review of the board's decision pursuant to the provisions of this chapter, such revocation or the period of such suspension shall be stayed and shall not be effective or commence to run until final judgment has been entered in any proceeding instituted under the provisions of this chapter and the licensee's judicial remedies are exhausted hereunder.

Sec. 25. Section 22, chapter 171, Laws of 1967 and RCW 18.26.220 are each amended to read as follows:

The certificate or order of revocation or suspension shall contain a brief and concise statement of the ground or grounds upon which the certificate or order is based and the specific terms and conditions of such revocation or suspension, and shall be retained as a permanent record by the director of ~~((motor vehicles))~~ licensing.

Sec. 26. Section 23, chapter 171, Laws of 1967 and RCW 18.26.230 are each amended to read as follows:

The director of ~~((motor vehicles))~~ licensing shall not issue any license or any renewal thereof to any person whose license has been revoked or suspended by the board except in conformity with the terms and conditions of the certificate or order of revocation or suspension, or in conformity with any order of reinstatement issued by the board, or in accordance with the final judgment in any proceeding for review instituted under the provisions of this chapter.

Sec. 27. Section 24, chapter 171, Laws of 1967 and RCW 18.26.240 are each amended to read as follows:

Any person whose license has been revoked or suspended by the board shall have the right to a judicial review of the board's decision. Such review shall be initiated by serving on the secretary a notice of appeal and filing

such notice of appeal either in the superior court of Thurston county, or in the superior court of the county in which the appellant resides, within thirty days after the filing of the certificate or order of revocation or suspension in the office of the director of ~~((motor vehicles))~~ licensing.

Sec. 28. Section 29, chapter 171, Laws of 1967 and RCW 18.26.290 are each amended to read as follows:

If the board finds the holder of any license guilty of unprofessional conduct and fails to file a certificate or order of revocation or suspension in the office of the director of ~~((motor vehicles))~~ licensing within thirty days, the license holder shall have the right to a judicial review of such finding of the board in the same manner and to the same extent as if the certificate or order had been filed.

Sec. 29. Section 30, chapter 171, Laws of 1967 and RCW 18.26.300 are each amended to read as follows:

No person licensed as a chiropractor shall engage in the practice of healing arts other than as a chiropractor, unless he first surrenders his chiropractic license to the director of ~~((motor vehicles))~~ licensing and discontinues the use of the name chiropractor whether by way of advertising or in any other manner which might signify he is practicing as a chiropractor within the meaning of this chapter.

Sec. 30. Section 28, chapter 16, Laws of 1923 as last amended by section 24, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.29.020 are each amended to read as follows:

Any citizen of this state of good moral character who shall have attained the age of eighteen years may file his application for license as a dental hygienist in the manner provided by law on forms furnished by the director of ~~((motor vehicles))~~ licensing and shall submit with said application proof of said applicant's graduation from a training school for dental hygienists. Said application shall be signed and sworn to by said applicant. Each applicant shall pay a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended which shall accompany his application.

Sec. 31. Section 29, chapter 16, Laws of 1923 as amended by section 2, chapter 47, Laws of 1969 and RCW 18.29.030 are each amended to read as follows:

Examination of applicant shall consist of written and practical tests and shall include the subjects of inorganic chemistry, physiology, anatomy, bacteriology, anesthesia, radiography, materia medica, dental histology, principles of nursing and hygiene, practical demonstration in hygiene, other kindred subjects contained in the curriculum of training schools for dental hygienists. Said written examination shall consist of ten questions only, graded from zero to ten on each subject and the applicant must obtain an average grade of sixty-five percent to pass. Said practical examination shall

consist of a clinical demonstration upon one or more patients of the removal of deposits from and the polishing of the surfaces of the teeth, and the applicant must obtain an average grade of seventy-five percent to pass. The director of ~~((motor vehicles))~~ licensing shall keep on file the examination papers and records of examinations for at least one year, which file shall be open to the inspection of the applicant or his agent. A certificate granted by the National Board of Dental Hygiene Examinations may be accepted in lieu of the written examination.

Sec. 32. Section 31, chapter 16, Laws of 1923 and RCW 18.29.060 are each amended to read as follows:

Upon passing an examination as provided in RCW 18.29.030 the director of ~~((motor vehicles))~~ licensing shall issue to the successful applicant a license as dental hygienist, which said license shall be recorded in the office of the auditor of the county in which the licensee shall engage in practice and shall be displayed in a conspicuous place in the operation room where such licensee shall practice.

Sec. 33. Section 32, chapter 16, Laws of 1923 as last amended by section 26, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.29.070 are each amended to read as follows:

Every person licensed as a dental hygienist shall pay on or before the first day of October of each year after a license is issued to him a license renewal fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended and the license renewal certificate which shall be thereupon issued by the director of ~~((motor vehicles))~~ licensing shall be displayed with the license of said licensee.

Sec. 34. Section 36, chapter 16, Laws of 1923 and RCW 18.29.100 are each amended to read as follows:

Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor. It shall be the duty of the prosecuting attorney of each county to prosecute all cases involving a violation of this chapter arising within his county. The attorney general may assist in such prosecutions and shall appear at all hearings when requested to do so by the director of ~~((motor vehicles))~~ licensing.

Sec. 35. Section 1, chapter 130, Laws of 1951 as last amended by section 1, chapter 236, Laws of 1971 ex. sess. and RCW 18.32.030 are each amended to read as follows:

The following practices, acts and operations are excepted from the operation of the provisions of this chapter:

(1) The rendering of dental relief in emergency cases in the practice of his profession by a physician or surgeon, licensed as such and registered under the laws of this state, unless he undertakes to or does reproduce lost parts of the human teeth in the mouth or to restore or to replace in the human mouth lost or missing teeth;



(2) The practice of dentistry in the discharge of official duties by dentists in the United States army, navy, public health service, veterans' bureau, or bureau of Indian affairs;

(3) Dental schools or colleges approved by the board, and the practice of dentistry by students in dental schools or colleges approved by the board, when acting under the direction and supervision of registered and licensed dentists acting as instructors;

(4) The practice of dentistry by licensed dentists of other states or countries while appearing as clinicians at meetings of the Washington state dental association, or component parts thereof, or at meetings sanctioned by them;

(5) The use of roentgen and other rays for making radiograms or similar records of dental or oral tissues, under the supervision of a licensed dentist or physician;

(6) The making, repairing, altering or supplying of artificial restorations, substitutions, appliances, or materials for the correction of disease, loss, deformity, malposition, dislocation, fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts; providing the same are made, repaired, altered or supplied pursuant to the written instructions and order of a licensed dentist which may be accompanied by casts, models or impressions furnished by said dentist, and said prescriptions shall be retained and filed for a period of not less than three years and shall be available to and subject to the examination of the director of (~~motor vehicles~~) licensing or his authorized representatives;

(7) The removal of deposits and stains from the surfaces of the teeth, the application of topical preventative or prophylactic agents, and the polishing and smoothing of restorations, when performed or prescribed by a dental hygienist licensed under the laws of this state;

(8) A qualified and licensed physician and surgeon extracting teeth or performing oral surgery;

(9) A legal practitioner of another state making a clinical demonstration before a medical or dental society, or at a convention approved by the Washington state medical or dental association or Washington progressive dental society;

(10) Students practicing or performing dental operations, under the supervision of competent instructors, in any reputable dental college;

(11) The performing of dental operations or services by persons not licensed under this chapter when performed under the supervision of a licensed dentist: PROVIDED HOWEVER, That such nonlicensed person shall in no event perform the following dental operations or services unless permitted to be performed by him under other provisions of this chapter or chapter 18.29 RCW:

(a) Any removal of or addition to the hard or soft tissue of the oral cavity;

(b) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure;

(c) Any administration of general or injected local anaesthetic of any nature in connection with a dental operation;

(d) Any oral prophylaxis;

(e) The taking of any impressions of the teeth or jaw or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis.

Sec. 36. Section 2, chapter 5, Laws of 1977 ex. sess. and RCW 18.32-.520 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout RCW 18.32.510, and 18.32.530 through 18.32.780.

(1) "Board" means the dental disciplinary board created in RCW 18.32.560.

(2) "License" means a certificate or license to practice dentistry in this state as provided for in this chapter.

(3) "Member" means member of the dental disciplinary board.

(4) "Secretary" means the secretary of the dental disciplinary board.

(5) "Director" means the director of ~~((motor vehicles))~~ licensing of the state of Washington.

(6) "To practice dentistry" means to engage in the practice of dentistry as defined in RCW 18.32.020.

Sec. 37. Section 2, chapter 43, Laws of 1957 and RCW 18.34.020 are each amended to read as follows:

The term "director" wherever used in this chapter shall mean the director of ~~((licenses))~~ licensing of the state of Washington. The term "apprentice" wherever used in this chapter shall mean a person who shall be designated an apprentice in the records of the director at the request of a physician, registered optometrist or licensee hereunder, and who shall thereafter receive from such physician, registered optometrist or licensee hereunder training and direct supervision in the work of a dispensing optician.

Sec. 38. Section 1, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.010 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Department" means the department of ~~((motor vehicles))~~ licensing.

(2) "Council" means the council on hearing aids.

(3) "Hearing aid" means any wearable prosthetic instrument or device designed for or represented as aiding, improving, compensating for, or correcting defective human hearing and any parts, attachments, or accessories

of such an instrument or device, excluding batteries and cords and ear molds.

(4) "Fitting and dispensing of hearing aids" means the sale, lease, or rental or attempted sale, lease, or rental of hearing aids together with the selection and adaptation of hearing aids and the use of those tests and procedures essential to the performance of these functions. It includes the taking of impressions for ear molds for these purposes.

Sec. 39. Section 1, chapter 108, Laws of 1937 as last amended by section 1, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.010 are each amended to read as follows:

The term "funeral director" as used herein is a person engaged in the profession or business of conducting funerals and supervising or directing the burial and disposal of dead human bodies.

The term "embalmer" as used herein is a person engaged in the profession or business of disinfecting, preserving or preparing for disposal or transportation dead human bodies.

A "two-year college course" as used herein means the completion of sixty semester hours or ninety quarter hours of collegiate credit from a college or university approved by the director and the state board of funeral directors and embalmers.

"Funeral establishment" means a place of business licensed in accordance with RCW 18.39.145, conducted at a specific street address or location, and devoted to the care and preparation for burial or disposal of dead human bodies and includes all areas of such business premises and all tools, instruments, and supplies used in preparation and embalming of dead human bodies for burial or disposal.

"Director" means the director of ~~((motor vehicles))~~ licensing.

"Board" means the state board of funeral directors and embalmers created pursuant to RCW 18.39.173.

Words used in this chapter importing the singular may be applied to the plural of the person or thing, words importing the plural may be applied to the singular, and words importing the masculine gender may be applied to the female.

Sec. 40. Section 4, chapter 108, Laws of 1937 as last amended by section 1, chapter 120, Laws of 1972 ex. sess. and RCW 18.39.040 are each amended to read as follows:

In order to obtain a license as an embalmer, the applicant must be at least eighteen years of age, of good moral character, and have completed, (1) two years at an accredited college, (2) a two-year course of training under a licensed embalmer in this state, and (3) a full course of instruction in an embalming school, approved by the director of ~~((motor vehicles))~~ licensing and the state examining committee. No portion of the course of instruction under (3) above can be applied towards satisfaction of the two-year college course. In addition, the applicant must pass an examination in

each of the following subjects: Embalming, anatomy including histology, embryology and dissection, pathology, bacteriology, public health including sanitation and hygiene, chemistry including toxicology, and restorative art, including plastic surgery and demi-surgery: PROVIDED, HOWEVER, That any person lawfully licensed as an embalmer in this state may register as such with said director of (~~motor-vehicles~~) licensing and, upon the payment of the license fee hereinafter specified, on or prior to said date, he shall thereupon be entitled to and receive a license as such for the year commencing January 1, 1938. In case of failure so to register, he can thereafter obtain a license only after examination as herein provided: PROVIDED, FURTHER, That this section shall not apply to anyone who is attending an embalming school, or who is registered as an apprentice, prior to midnight, August 6, 1965.

Sec. 41. Section 11, chapter 108, Laws of 1937 as amended by section 2, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.180 are each amended to read as follows:

For the purpose of carrying out the provisions of this chapter the director of (~~motor-vehicles~~) licensing in consultation with the state board of funeral directors and embalmers shall have power and it shall be their duty to adopt, promulgate and enforce reasonable rules and regulations. Said director shall have the power to suspend or revoke any license, after proper hearing and notice to the licensee, upon such licensee being found guilty of any of the following acts or omissions:

- (1) Conviction of a crime involving moral turpitude;
- (2) Unprofessional conduct which is hereby defined to include:
  - (a) Misrepresentation or fraud in the conduct of the business or the profession of a funeral director or embalmer;
  - (b) False or misleading advertising as a funeral director or embalmer;
  - (c) Solicitation of human dead bodies by the licensee, his agents, assistants or employees, whether such solicitation occurs after death or while death is impending: PROVIDED, This chapter shall not be deemed to prohibit general advertising or the sale of pre-need funeral plans;
  - (d) Employment by the licensee of persons known as "cappers" or "steerers" or "solicitors" or other such persons to obtain funeral directing or embalming business;
  - (e) Employment directly or indirectly of any apprentice, agent, assistant, embalmer, employee, or other person, on part or full time, or on commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director or embalmer;
  - (f) The buying of business by the licensee, his agents, assistants or employees, or the direct or indirect payment or offer of payment of a commission by the licensee, his agents, assistants or employees, for the purpose of securing business;

- (g) Gross immorality;
- (h) Aiding or abetting an unlicensed person to practice funeral directing or embalming;
- (i) Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum or cemetery;
- (j) Using any casket or part of a casket which has previously been used as a receptacle for, or in connection with, the burial or other disposition of, a dead human body, without the written consent of next of kin;
- (k) Violation of any of the provisions of this chapter or the rules and regulations in support thereof;
- (l) Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care or transportation of dead human bodies;
- (m) Fraud or misrepresentation in obtaining a license;
- (n) Refusing to promptly surrender the custody of a dead human body, upon the express order of the person lawfully entitled to the custody thereof;
- (o) For the selling or offering for sale of shares, certificates or an interest in the business of any funeral director or embalmer or in any corporation owning or conducting an undertaking or embalming establishment, under promise of or purporting to give to the purchasers thereof a right to the services of such funeral director, embalmer or corporation at a charge or cost less than that offered or given to the public at large.

Sec. 42. Section 1, chapter 153, Laws of 1965 as last amended by section 1, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.010 are each amended to read as follows:

Unless the context otherwise requires terms used in this chapter shall have the following meanings:

- (1) "Department" means the department of ~~((motor vehicles))~~ licensing.
- (2) "Director" means the director of ~~((the department of motor vehicles))~~ licensing, or his duly authorized representative.
- (3) "Escrow" means any transaction wherein any person or persons, for the purpose of effecting and closing the sale, purchase, exchange, transfer, encumbrance, or lease of real or personal property to another person or persons, delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person to be held by such third person until the happening of a specified event or the performance of a prescribed condition or conditions, when it is then to be delivered by such third person, in compliance with instructions under which he is to act, to a grantee, grantor, promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor, or any agent or employee thereof.

(4) "Escrow agent" means any sole proprietorship, firm, association, partnership, or corporation engaged in the business of performing for compensation the duties of the third person referred to in RCW 18.44.010(3) above.

(5) "Certificated escrow agent" means any sole proprietorship, firm, association, partnership, or corporation holding a certificate of registration as an escrow agent under the provisions of this chapter.

(6) "Person" unless a different meaning appears from the context, includes an individual, a firm, association, partnership or corporation, or the plural thereof, whether resident, nonresident, citizen or not.

(7) "Escrow officer" means any natural person handling escrow transactions and licensed as such by the director.

(8) "Escrow commission" means the escrow commission of the state of Washington created by RCW 18.44.210.

(9) "Controlling person" is any person who owns or controls ten percent or more of the beneficial ownership of any escrow agent, regardless of the form of business organization employed and regardless of whether such interest stands in such person's true name or in the name of a nominee.

Sec. 43. Section 4, chapter 160, Laws of 1917 and RCW 18.50.060 are each amended to read as follows:

The director of ((licenses)) licensing is hereby authorized and empowered to execute the provisions of this chapter and shall hold examinations in midwifery on the first Monday in January and July, at such places as the director may select, from ten o'clock a.m. to five o'clock p.m., and at such other times as the said director may deem expedient. The examinations may be oral, written, or both, and shall be in the English language; if desired in any other language, an interpreter may be provided by said director upon notification of the director at least ten days before examination. The cost of said interpreter shall be defrayed by the applicant for the license.

Examinations shall be held on the following subjects:

- (1) Anatomy of pelvis and female genital organs.
- (2) Physiology of menstruation.
- (3) Diagnosis and management of pregnancy.
- (4) Diagnosis of foetal presentation and position.
- (5) Mechanism and management of normal labor.
- (6) Management of puerperium.
- (7) Injuries to the genital organs following labor.
- (8) Sepsis and antisepsis in relation to labor.
- (9) Special care of the bed and lying-in room.
- (10) Hygiene of mother and infant.
- (11) Asphyxiation, convulsions, malformation and infectious diseases of the new-born.
- (12) Causes and effects of ophthalmia neonatorum.
- (13) Abnormal conditions requiring attention of a physician.

(14) Requirements of the vital statistics laws pertaining to the reporting of births and the rules of the state board of health relative to ophthalmia neonatorum or other infectious diseases of the newborn.

Said examination shall be sufficient to test the scientific and practical fitness of candidates to practice midwifery and the director may require examination on other subjects relating to midwifery from time to time. All application papers shall be deposited with the director and there retained for at least one year, when they may be destroyed.

If said examination is satisfactory, said director shall issue to such candidate a license entitling the candidate to practice midwifery in the state of Washington: PROVIDED, That said license shall not authorize the holder to prescribe any drugs or medicine except some household remedy after the birth of the infant.

Sec. 44. Section 2, chapter 57, Laws of 1970 ex. sess. and RCW 18.52-.020 are each amended to read as follows:

When used in this chapter, unless the context otherwise clearly requires:

(1) "Board" means the state board of examiners for the licensing of nursing home administrators representative of the professions and institutions concerned with the care of the chronically ill and infirm aged patients.

(2) "Director" means the director of ~~((the department of motor vehicles))~~ licensing.

(3) "Nursing home" means any facility or portion thereof licensed under state law as a nursing home.

(4) "Nursing home administrator" means an individual in active administrative charge of nursing homes as defined herein, whether or not having an ownership interest in such homes, and although functions and duties may be shared with or delegated to other persons: PROVIDED HOWEVER, That nothing in this definition or this chapter shall be construed to prevent any person, so long as he is otherwise qualified, from obtaining and maintaining a license even though he has not administered or does not continue to administer a nursing home.

Sec. 45. Section 6, chapter 57, Laws of 1970 ex. sess. as amended by section 38, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.52.060 are each amended to read as follows:

The board shall elect from its membership a chairman, vice chairman, and secretary-treasurer, and shall adopt rules and regulations to govern its proceedings. The chairman or four board members by signed written request may call board meetings upon reasonable written notice to each member. Each member shall receive twenty-five dollars for each day or major portion thereof actually spent on official business, plus travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. A full time or part time executive secretary for the board may be

employed by the director through the department of ~~((motor vehicles))~~ licensing, and the director through the department of ~~((motor vehicles))~~ licensing shall provide the executive secretary and the board with such secretarial, administrative, and other assistance as may be required to carry out the purposes of this chapter. Employment of an executive secretary shall be subject to confirmation by the board. The position of executive secretary shall be exempt from the requirements of chapter 41.06 RCW.

Sec. 46. Section 2, chapter 144, Laws of 1919 as amended by section 3, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.53.020 are each amended to read as follows:

It shall be unlawful for any person to practice optometry as above defined in the state of Washington without first obtaining a license from the director of ~~((motor vehicles))~~ licensing.

Sec. 47. Section 7, chapter 144, Laws of 1919 as last amended by section 7, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.53.140 are each amended to read as follows:

It shall be unlawful for any person:

- (1) To sell or barter, or offer to sell or barter any license issued by the director; or
- (2) To purchase or procure by barter any license with the intent to use the same as evidence of the holder's qualification to practice optometry; or
- (3) To alter with fraudulent intent in any material regard such license; or
- (4) To use or attempt to use any such license which has been purchased, fraudulently issued, counterfeited or materially altered as a valid license; or
- (5) To practice optometry under a false or assumed name, or as a representative or agent of any person, firm or corporation with which the licensee has no connection: PROVIDED, Nothing in this chapter nor in the optometry law shall make it unlawful for any lawfully licensed optometrist or association of lawfully licensed optometrists to practice optometry under the name of any lawfully licensed optometrist who may transfer by inheritance or otherwise the right to use such name; or
- (6) To wilfully make any false statements in material regard in an application for an examination before the director, or for a license; or
- (7) To practice optometry in this state either for himself or any other individual, corporation, partnership, group, public or private entity, or any member of the licensed healing arts without having at the time of so doing a valid license issued by the director of ~~((motor vehicles))~~ licensing; or
- (8) To in any manner barter or give away as premiums either on his own account or as agent or representative for any other purpose, firm or corporation, any eyeglasses, spectacles, lenses or frames; or
- (9) To use drugs in the examination of eyes; or
- (10) To use advertising whether printed, radio, display, or of any other nature, which is misleading or inaccurate in any material particular, nor



shall any such person in any way misrepresent any goods or services (including but without limitation, its use, trademark, grade, quality, size, origin, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted; or

(11) To advertise the "free examination of eyes," "free consultation," "consultation without obligation," "free advice," or any words or phrases of similar import which convey the impression to the public that eyes are examined free or of a character tending to deceive or mislead the public, or in the nature of "bait advertising;" or

(12) To use an advertisement of a frame or mounting which is not truthful in describing the frame or mounting and all its component parts. Or advertise a frame or mounting at a price, unless it shall be depicted in the advertisement without lenses inserted, and in addition the advertisement must contain a statement immediately following, or adjacent to the advertised price, that the price is for frame or mounting only, and does not include lenses, eye examination and professional services, which statement shall appear in type as large as that used for the price, or advertise lenses or complete glasses, viz.: frame or mounting with lenses included, at a price either alone or in conjunction with professional services; or

(13) To use advertising, whether printed, radio, display, or of any other nature, which inaccurately lays claim to a policy or continuing practice of generally underselling competitors; or

(14) To use advertising, whether printed, radio, display or of any other nature which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies or services; or

(15) To use advertising whether printed, radio, display, or of any other nature, which states any definite amount of money as "down payment" and any definite amount of money as a subsequent payment, be it daily, weekly, monthly, or at the end of any period of time; or

(16) To violate any provision of this chapter or any rules and regulations promulgated thereunder.

Sec. 48. Section 5, chapter 25, Laws of 1963 as amended by section 9, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.54.050 are each amended to read as follows:

The board must meet at least once yearly or more frequently upon call of the chairman or the director of ~~((motor vehicles))~~ licensing at such times and places as the chairman or the director of ~~((motor vehicles))~~ licensing may designate by giving three days' notice or as otherwise required by the administrative procedure act, chapter 34.04 RCW as now or hereafter amended.

Sec. 49. Section 7, chapter 25, Laws of 1963 as amended by section 10, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.54.070 are each amended to read as follows:

The board has the following powers and duties:

(1) The board shall prepare the necessary lists of examination questions, conduct examinations, either written or oral or partly written and partly oral, and shall certify to the director of ~~((motor vehicles))~~ licensing all lists, signed by all members conducting the examination, of all applicants for licenses who have successfully passed the examination and a separate list of all applicants for licenses who have failed to pass the examination, together with a copy of all examination questions used, and the written answers to questions on written examinations submitted by each of the applicants.

(2) The director shall investigate all complaints and charges of unprofessional conduct against any licensed optometrist, and the board shall hold hearings to determine whether or not such charges are founded.

(3) The board shall take disciplinary action against any optometrist whom the board finds guilty of unprofessional conduct; and may, under appropriate circumstances, order the revocation or suspension of a license to practice optometry by filing a copy of its findings and conclusions with the director of ~~((motor vehicles))~~ licensing.

(4) The board may employ stenographic and clerical help, and such other assistance as may be necessary to enforce the provisions of this chapter.

(5) The board shall adopt rules and regulations to promote safety, protection and the welfare of the public, to carry out the purposes of this chapter, to aid the board in the performance of its powers and duties, and to govern the practice of optometry.

Sec. 50. Section 14, chapter 25, Laws of 1963 as amended by section 12, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.54.140 are each amended to read as follows:

Notwithstanding any other provisions of law, rule or regulation, the board may draw from the optometry account created and held pursuant to RCW 18.53.050, on vouchers approved by the director of ~~((motor vehicles))~~ licensing, so much money as is necessary to carry into effect, to administer, and to enforce the provisions of this chapter.

Sec. 51. Section 2, chapter 60, Laws of 1957 as last amended by section 1, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.010 are each amended to read as follows:

The following terms used in this chapter shall have the meanings set forth in this section unless the context clearly indicates otherwise:

(1) "Board" means the board of medical examiners.

(2) "Director" means the director of ~~((the department of motor vehicles))~~ licensing.

(3) "Resident physician" means an individual who has graduated from a school of medicine which meets the requirements set forth in RCW 18.71-.055 and is serving a period of postgraduate clinical medical training sponsored by a college or university in this state or by a hospital accredited by

this state. For purposes of this chapter, the term shall include individuals designated as intern or medical fellow.

Sec. 52. Section 2, chapter 284, Laws of 1961 as last amended by section 41, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.71.015 are each amended to read as follows:

There is hereby created a board of medical examiners consisting of six individuals licensed to practice medicine in the state of Washington and one individual who is not a physician, to be known as the Washington state board of medical examiners.

The board shall be appointed by the governor. The members of the first board shall be appointed within thirty days after March 21, 1961, to serve the following terms: One member for one year, one member for two years, one member for three years, one member for four years, one member for five years, from the date of their appointment, or until their successors are duly appointed and qualified. On expiration of the term of any member, the governor shall appoint for a period of five years an individual of similar qualifications to take the place of such member. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been appointed and shall have qualified.

Each member of the board shall be a citizen of the United States, must be an actual resident of this state, and, if a physician, must have been licensed to practice medicine in this state for at least five years.

The board shall meet as soon as practicable after appointment and elect a chairman and a secretary from its members. Meetings shall be held at least four times a year and at such place as the board shall determine and at such other times and places as the board deems necessary.

It shall require the affirmative vote of a majority of the members of the board to carry any motion or resolution, to adopt any rule, to pass any measure, or to authorize or deny the issuance of any certificate.

Each member of the board shall receive the sum of forty dollars for each day actually attending to the work of the board or any of its committees and for the time spent in necessary travel; and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Any such expenses shall be paid from funds appropriated to the department of (~~motor vehicles~~) licensing.

Any member of the board may be removed by the governor for neglect of duty, misconduct or malfeasance or misfeasance in office.

Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor.

Sec. 53. Section 36, chapter 202, Laws of 1955 as last amended by section 62, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.71.080 are each amended to read as follows:

Every person licensed to practice medicine and surgery in this state shall register with the director of (~~(department of motor vehicles)~~) licensing annually, and pay an annual renewal registration fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, on or before the first day of July of each year, and thereupon the license of such person shall be renewed for a period of one year. Any failure to register and pay the annual renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the director, and payment to the state of a penalty fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, together with all delinquent annual license renewal fees.

Sec. 54. Section 36, chapter 202, Laws of 1955 as last amended by section 11, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.080 are each amended to read as follows:

Every person licensed to practice medicine in this state shall register with the director of (~~(department of motor vehicles)~~) licensing annually, and pay an annual renewal registration fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, on or before the first day of July of each year. The board may establish rules and regulations governing mandatory continuing education requirements which shall be met by physicians applying for renewal of licenses. Any failure to register and pay the annual renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the director, and payment to the state of a penalty of ten dollars, together with all delinquent annual license renewal fees: PROVIDED, HOWEVER, That any person who fails to renew his license for a period of three years, shall in no event be entitled to renew his license under this section. Such a person in order to obtain a license to practice medicine in this state, shall file an original application as provided for in this chapter, along with the requisite fee therefor. The board, in its sole discretion, may permit such applicant to be licensed without examination if it is satisfied that such applicant meets all the requirements for licensure in this state, and is competent to engage in the practice of medicine.

Sec. 55. Section 36, chapter 202, Laws of 1955 as last amended by section 11, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.080 are each amended to read as follows:

Every person licensed to practice medicine in this state shall register with the director of (~~(department of motor vehicles)~~) licensing annually, and pay an annual renewal registration fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, on or before the first day of July of each year. The board may establish rules and regulations governing mandatory continuing education requirements which shall be met by physicians applying for renewal of licenses. Any failure to register and pay the annual renewal registration fee shall render the license invalid, but

such license shall be reinstated upon written application therefor to the director, and payment to the state of a penalty of ten dollars, together with all delinquent annual license renewal fees: PROVIDED, HOWEVER, That any person who fails to renew his license for a period of three years, shall in no event be entitled to renew his license under this section. Such a person in order to obtain a license to practice medicine in this state, shall file an original application as provided for in this chapter, along with the requisite fee therefor. The board, in its sole discretion, may permit such applicant to be licensed without examination if it is satisfied that such applicant meets all the requirements for licensure in this state, and is competent to engage in the practice of medicine.

Sec. 56. Section 44, chapter 202, Laws of 1955 as amended by section 14, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.180 are each amended to read as follows:

In case of the denial of a license, the board shall file a brief and concise statement of the grounds and reasons therefor in the office of the director of (~~the department of motor vehicles~~) licensing, which shall remain of record therein.

Sec. 57. Section 2, chapter 110, Laws of 1973 1st ex. sess. and RCW 18.71.230 are each amended to read as follows:

A right to practice medicine and surgery by a Canadian physician in this state pursuant to RCW 18.71.030 shall be revocable by order of the director of (~~the department of motor vehicles~~) licensing upon a finding by the director of an act of unprofessional conduct as defined in RCW 18.72-.030. Such physician shall have the same rights of notice, hearing and judicial review as provided licensed physicians generally pursuant to chapter 18.72 RCW.

Sec. 58. Section 3, chapter 190, Laws of 1975 1st ex. sess. and RCW 18.71A.070 are each amended to read as follows:

There shall be appointed by the director of (~~the department of motor vehicles~~) licensing an agent whose title shall be "medical practice investigator", who shall have the duty and shall be authorized to enter the clinic, office, or premises where a physician's assistant is employed for the purpose of inspecting the registration and utilization of any physician's assistant employed therein. Said investigator may serve and execute any notice or process issued under the authority of this chapter and shall perform any other duty prescribed by the director or the board, including assisting other agencies in enforcing the provisions of the law regulating the practice of medicine: PROVIDED, That funds must be included in the department's 1975-77 operational budget for this program.

Sec. 59. Section 10, chapter 202, Laws of 1955 as amended by section 42, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.72.100 are each amended to read as follows:

Members of the board shall be paid twenty-five dollars for each day spent in performing their duties as members of the board and shall be repaid their travel expenses while engaged in business of the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Such compensation and reimbursement for expenses shall be paid out of the general fund on vouchers approved by the director of ~~((licenses))~~ licensing.

Sec. 60. Section 25, chapter 202, Laws of 1955 as amended by section 1, chapter 58, Laws of 1969 and RCW 18.72.250 are each amended to read as follows:

The filing by the board in the office of the director of ~~((motor-vehicles))~~ licensing of a certificate or order of revocation or suspension after due notice, hearing and findings in accordance with the procedure specified in this chapter, certifying that any holder of a license has been found guilty of unprofessional conduct by the board, shall constitute a revocation or suspension of the license to practice medicine and surgery in this state in accordance with the terms and conditions imposed by the board and embodied in the certificate or order of revocation or suspension. Such certificate or order of revocation or suspension, if appealed, may be stayed by the board or by the reviewing court upon such terms as is deemed proper.

Sec. 61. Section 13, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.130 are each amended to read as follows:

An ambulance operator, ambulance director, first aid vehicle operator or first aid director may not operate a service in the state of Washington without holding a license for such operation, issued by the secretary when such operation is consistent with the comprehensive plan established pursuant to RCW 18.73.070, indicating the general area to be served and the number of vehicles to be used, with the following exceptions:

- (1) The United States government;
- (2) Ambulance operators and ambulance directors providing service in other states when bringing patients into this state;
- (3) Owners of businesses in which ambulance or first aid vehicles are used exclusively on company property but occasionally in emergencies may bring patients to hospitals not on company property;
- (4) Operators of vehicles pressed into service for transportation of patients in emergencies when licensed ambulances are not available or cannot meet overwhelming demand.

The license shall be valid for a period of three years and shall be renewed on request provided the holder has consistently complied with the regulations of the department and the department of ~~((motor-vehicles))~~ licensing and provided also that the needs of the area served have been met satisfactorily. The license shall not be transferable.

A license fee shall be required for ambulance operators and first aid operators.

Sec. 62. Section 2, chapter 239, Laws of 1949 as amended by section 44, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.74.020 are each amended to read as follows:

The state examining committee of physical therapists is hereby created. The examining committee shall consist of not less than three members who shall be appointed by the governor from a list submitted to him by the Washington state chapter of the American Physical Therapy Association for a term of three years each. Each member of said examining committee shall be a registered physical therapist, a resident of this state, and shall have not less than five years' experience in the practice of physical therapy immediately preceding his appointment and shall be actively engaged in the practice of physical therapy during his incumbency. On or before July 1, 1949, three members shall be appointed by the governor, one member to serve for one, two and three years respectively. On the first day of January of each succeeding year one member shall be appointed for three years. In the event that a member of the examining committee for any reason cannot complete his term of office, another appointment shall be made by the governor in accordance with the procedure stated above to fill the remainder of the term. No member may serve for more than two successive three-year terms.

The examining committee shall have the power to make such rules not inconsistent with the law which may be necessary for the performance of its duties. The director of (~~(licenses)~~) licensing shall furnish such secretarial, clerical and other assistance as the board may require. Each member of the examining committee shall, in addition to travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, receive compensation in an amount for each day actually engaged in the discharge of his duties: PROVIDED, HOWEVER, That such compensation shall not exceed twenty-five dollars per day.

It shall be the duty of the examining committee to pass upon the qualifications of applicants for registration, prepare the necessary lists of examination questions, conduct all examinations, determine the applicants who successfully pass examination and notify the director of (~~(licenses)~~) licensing to that effect.

Sec. 63. Section 12, chapter 239, Laws of 1949 as amended by section 11, chapter 75, Laws of 1977 and RCW 18.74.120 are each amended to read as follows:

The director of (~~(motor vehicles)~~) licensing is authorized to adopt reasonable rules and regulations to carry this chapter into effect and may amend and revoke such rules at his discretion. The director of (~~(motor vehicles)~~) licensing shall keep a record of proceedings under this chapter and a register of all persons registered under it. The register shall show the name of every living registrant, his last known place of business and last known place of residence and the date and number of his registration and

certificate as a registered physical therapist. The director of (~~(motor vehicles)~~) licensing shall, during the month of April of every year in which the renewal of registration is required, publish a list of registered physical therapists authorized to practice physical therapy in the state and shall, upon request, furnish a copy of that list to the prosecuting attorney of any county, to the superintendent of any hospital in the state, and to any physician licensed in this state to practice medicine and surgery: PROVIDED, That such lists shall be furnished by the director upon payment of such amount as may be fixed by him, which amount shall not exceed the cost of the list so furnished.

Sec. 64. Section 5, chapter 222, Laws of 1949 as amended by section 3, chapter 79, Laws of 1967 and RCW 18.78.050 are each amended to read as follows:

The board shall conduct examinations for all applicants for licensure under this chapter and shall certify to the (~~(division of professional licensing)~~) business and professions administration in the department of (~~(motor vehicles)~~) licensing for licensing, those applicants duly qualified. The board shall also determine and formulate what constitutes an approved practical nursing course, the same to be written and filed with the secretary of the board. The board may amend said requirements from time to time and any such amendment shall also be in writing and filed with the secretary of the board. Upon request of any hospital or other agency within the state of Washington, the secretary of the board shall furnish and forward by mail a copy of said written requirements constituting an approved course, and any written amendments thereto.

Sec. 65. Section 9, chapter 222, Laws of 1949 as last amended by section 68, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.78.080 are each amended to read as follows:

All applicants applying for a license to practice as a licensed practical nurse with or without examination, as provided in this chapter, shall pay a license fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended to the department of (~~(motor vehicles)~~) licensing: PROVIDED, HOWEVER, That the applicant applying for a reexamination shall pay a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

Sec. 66. Section 10, chapter 222, Laws of 1949 as last amended by section 69, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.78.090 are each amended to read as follows:

Every licensed practical nurse in this state shall register annually with the (~~(division of professional licensing)~~) business and professions administration in the department of (~~(motor vehicles)~~) licensing, on or before the first day of March, and shall pay an annual fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, and thereupon



the license of such person shall be renewed for a period of one year. Any failure to register and pay the annual renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the (~~(division of professional licensing)~~) business and professions administration, and upon payment to the state of a penalty fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, together with all delinquent annual license renewal fees.

Sec. 67. Section 1, chapter 305, Laws of 1955 as amended by section 1, chapter 70, Laws of 1965 and RCW 18.83.010 are each amended to read as follows:

When used in this chapter:

(1) The "practice of psychology" means the application of established principles of learning, motivation, perception, thinking and emotional relationships to problems of evaluation, group relations and behavior adjustment, including but not limited to: (a) counseling and guidance; (b) use of psychotherapeutic techniques with clients who have adjustment problems in the family, at school, at work or in interpersonal relationships; (c) measuring and testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes and skills.

This definition does not include the teaching of principles of psychology for accredited educational institutions, or the conduct of research in problems of human or animal behavior.

Nothing in this definition shall be construed as permitting the administration or prescribing of drugs or in any way infringing upon the practice of medicine and surgery as defined in chapter 18.71 RCW.

(2) "Director" means director of (~~(licenses)~~) licensing.

(3) "Board" means the board of psychologist examiners created by this chapter.

Sec. 68. Section 2, chapter 252, Laws of 1941 as last amended by section 1, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.010 are each amended to read as follows:

In this chapter words and phrases have the following meanings unless otherwise apparent from the context:

(1) "Real estate broker," or "broker," means a person, while acting for another for commissions or other compensation or the promise thereof, or a licensee under this chapter while acting in his own behalf, who:

(a) Sells or offers for sale, lists or offers to list, buys or offers to buy real estate or business opportunities, or any interest therein, for others;

(b) Negotiates or offers to negotiate, either directly or indirectly, the purchase, sale, exchange, lease, or rental of real estate or business opportunities, or any interest therein, for others;

(c) Advertises or holds himself out to the public by any oral or printed solicitation or representation that he is so engaged; or

(d) Engages, directs, or assists in procuring prospects or in negotiating or closing any transaction which results or is calculated to result in any of these acts;

(2) "Real estate salesman" or "salesman" means any natural person employed, either directly or indirectly, by a real estate broker, or any person who represents a real estate broker in the performance of any of the acts specified in subsection ~~((1)-(1))~~ (1) of this section;

(3) An "associate real estate broker" is a person who has qualified as a "real estate broker" who works with a broker and whose license states that he is associated with a broker;

(4) The word "person" as used in this chapter shall be construed to mean and include a corporation or copartnership, except where otherwise restricted;

(5) "Business opportunity" shall mean and include business, business opportunity and good will of an existing business or any one or combination thereof;

(6) "Commission" means the real estate commission of the state of Washington;

(7) "Director" means the director of ~~((motor-vehicles))~~ licensing;

(8) "Real estate multiple listing association" means any association of real estate brokers:

(a) Whose members circulate listings of the members among themselves so that the properties described in the listings may be sold by any member for an agreed portion of the commission to be paid; and

(b) Which require in a real estate listing agreement between the seller and the broker, that the members of the real estate multiple listing association shall have the same rights as if each had executed a separate agreement with the seller;

(9) "Clock hours of instruction" means actual hours spent in classroom instruction in any tax supported, public vocational-technical institution, community college, or any other institution of higher learning or a correspondence course from any of the aforementioned institutions certified by such institution as the equivalent of the required number of clock hours, and the real estate commission may certify courses of instruction other than in the aforementioned institutions; and

(10) "Incapacitated" means the physical or mental inability to perform the duties of broker prescribed by this chapter.

Sec. 69. Section 4, chapter 202, Laws of 1949 as last amended by section 3, chapter 133, Laws of 1973 and RCW 18.88.030 are each amended to read as follows:

Whenever used in this chapter, terms defined in this section shall have the meanings herein specified unless the context clearly indicates otherwise.

The practice of nursing means the performance of acts requiring substantial specialized knowledge, judgment and skill based upon the principles

of the biological, physiological, behavioral and sociological sciences in either:

(1) The observation, assessment, diagnosis, care or counsel, and health teaching of the ill, injured or infirm, or in the maintenance of health or prevention of illness of others.

(2) The performance of such additional acts requiring education and training and which are recognized jointly by the medical and nursing professions as proper to be performed by nurses licensed under this chapter and which shall be authorized by the board of nursing through its rules and regulations.

(3) The administration, supervision, delegation and evaluation of nursing practice: **PROVIDED, HOWEVER,** That nothing herein shall affect the authority of any hospital, hospital district, medical clinic or office, concerning its administration and supervision.

(4) The teaching of nursing.

(5) The executing of medical regimen as prescribed by a licensed physician, osteopathic physician, dentist, or chiroprapist.

Nothing in this chapter shall be construed as prohibiting any person from practicing any profession for which a license shall have been issued under the laws of this state or specifically authorized by any other law of the state of Washington.

This chapter shall not be construed as prohibiting the nursing care of the sick, without compensation, by any unlicensed person who does not hold herself or himself out to be a registered nurse, and further, this chapter shall not be construed as prohibiting the practice of practical nursing by any practical nurse, with or without compensation in either homes or hospitals.

The word "board" means the Washington state board of nursing.

The term "department" means the department of ~~((licenses))~~ licensing.

The word "diagnosis", in the context of nursing practice, means the identification of, and discrimination between, the person's physical and psycho-social signs and symptoms which are essential to effective execution and management of the nursing care regimen.

The term "diploma" means written official verification of completion of an approved nursing education program.

The term "director" means the director of ~~((licenses))~~ licensing.

The terms "nurse" or "nursing" wherever they occur in this chapter, unless otherwise specified, for the purposes of this chapter shall mean a registered nurse or registered nursing.

Sec. 70. Section 1, chapter 200, Laws of 1959 and RCW 18.90.010 are each amended to read as follows:

As used in this chapter:

(1) "Sanitarian" is a person who has fitted himself by suitable specialized study in the basic sciences, sanitary sciences, administration, education and the humanities and with suitable experience in the application of the

principles of sanitary science to protect the public from the many health hazards resulting from an increasingly complex environment. He applies the principles of sanitary science to the investigation, evaluation and interpretation of environmental health needs in order to secure necessary sanitary improvements in environmental factors such as but not limited to milk and food, private water and sewage, vector control, refuse disposal and housing.

(2) "Board" or "examining board" means the Washington state board of registered sanitarians.

(3) "Director" means the director of (~~(licenses)~~) licensing.

Sec. 71. Section 21, chapter 71, Laws of 1941 as last amended by section 1, chapter 44, Laws of 1974 ex. sess. and RCW 18.92.015 are each amended to read as follows:

The term "board" used in this chapter shall mean the Washington state veterinary board of governors; and the term "director" shall mean the director of (~~(motor vehicles)~~) licensing of the state of Washington. "Animal technician" shall mean a person who has successfully completed a post high school course approved by the board, in consultation with the coordinating council for occupational education, in the care and treatment of animals, or a person who has had five years practical experience with a licensed veterinarian and who has successfully completed an examination administered by the board.

Sec. 72. Section 6, chapter 71, Laws of 1941 as last amended by section 5, chapter 44, Laws of 1974 ex. sess. and RCW 18.92.070 are each amended to read as follows:

No person, unless registered or licensed to practice veterinary medicine, surgery and dentistry in this state at the time this chapter shall become operative, shall begin the practice of veterinary medicine, surgery and dentistry without first applying for and obtaining a license for such purpose from the director. In order to procure a license to practice veterinary medicine, surgery and dentistry in the state of Washington, the applicant for such license shall file his application at least thirty days prior to date of examination upon a form furnished by the director of (~~(motor vehicles)~~) licensing, which, in addition to the fee provided by this chapter, shall be accompanied by satisfactory evidence that he is at least eighteen years of age and of good moral character, and by a diploma from some legally chartered veterinary college or veterinary department of any university or agricultural college, recognized by the American Veterinary Medical Association, evidencing the fact that the applicant has been in actual attendance at the lectures, instruction and examinations for a period of at least four academic years of thirty-two to thirty-six weeks each. Said application shall be signed by the applicant and sworn to by him before some person authorized to administer oaths. When such application and the accompanying evidence are found satisfactory, the director shall notify the applicant to appear before the

board for the next examination: PROVIDED, HOWEVER, That the director of (~~(motor vehicles)~~) licensing must deny the application of every applicant who has been guilty of unprofessional conduct within the two years immediately preceding date of application for license.

Sec. 73. Section 3, chapter 158, Laws of 1969 ex. sess. and RCW 18-.96.030 are each amended to read as follows:

The following words and phrases as hereinafter used in this chapter shall have the following meanings:

"Director" means the director of (~~(motor vehicles)~~) licensing of the state of Washington.

"Board" means the state board of registration for landscape architects.

"Landscape architect" means a person who engages in the practice of landscape architecture as hereinafter defined. A person practices landscape architecture within the meaning and intent of this chapter who performs for hire professional services such as consultations, investigations, reconnaissance, research, planning, design or teaching supervision in connection with the development of land areas where, and to the extent that, the dominant purpose of such services is the preservation, enhancement, or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings and approaches to structures or other improvements, or natural drainage and erosion control. This practice shall include the location, design, and arrangement of such tangible objects as pools, walls, steps, trellises, canopies, and other nonhabitable structures, and such features as are incidental and necessary to the purposes outlined herein. It involves the design and arrangement of land forms and the development of outdoor space including, but not limited to, the design of public parks, playgrounds, cemeteries, home and school grounds, and the development of industrial and recreational sites.

Sec. 74. Section 1, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.010 are each amended to read as follows:

In this chapter, unless the context otherwise requires, the following meanings shall apply:

(1) "Board" means the state massage examining board;

(2) "Massage" means the treatment of the superficial parts of the body, with or without the aid of soaps, oils, or lotions, by rubbing, touching, stroking, tapping, and kneading, provided no attempt be made to adjust or manipulate the articulations of the spine;

(3) "Massage operator" means a person engaged in the practice of massage;

(4) "Director" means the director of (~~(the department of motor vehicles)~~) licensing.

(5) Massage business means the operation of a business where massages are given.

Sec. 75. Section 2, chapter 319, Laws of 1977 ex. sess. and RCW 19-.02.020 are each amended to read as follows:

As used in this chapter, the following words shall have the following meanings:

(1) "System" means the business registration and licensing center established by this chapter and located in and under the administrative control of the department of (~~(motor vehicles)~~) licensing;

(2) "Board of review" means the body established to review policies and rules adopted by the department of (~~(motor vehicles)~~) licensing for carrying out the provisions of this chapter;

(3) "Master license" means the document designed for public display issued by the system which certifies individual state agency approval for licenses the state requires for any person subject to the provisions of this chapter;

(4) "License" means the whole or part of any agency permit, license, certificate, approval, registration, charter, or any form or permission required by law, including agency rule, to engage in any activity; and

(5) "Person" means any individual, sole proprietorship, partnership, association, cooperative, corporation, nonprofit organization, state or local government agency, and any other organization required to register with the state to do business in the state and to obtain one or more licenses from the state or any of its agencies.

Sec. 76. Section 3, chapter 319, Laws of 1977 ex. sess. and RCW 19-.02.030 are each amended to read as follows:

(1) There is created within the department of (~~(motor vehicles)~~) licensing a business registration and licensing system.

(2) The duties of the system shall be:

(a) To establish a service before January 1, 1978, that will provide information to persons detailing all state licenses required to engage in business in this state and the locations for applying for those licenses;

(b) To develop before April 1, 1978, a common system of identifying businesses by all state agencies;

(c) To recommend to the legislature on January 1, 1978, criteria for evaluation of existing and proposed forms of licensing authorization; and

(d) To develop a computerized system before April 1, 1980, capable of storing, retrieving, and exchanging license information as well as issuing and renewing master licenses in an efficient manner.

(3) Every state agency shall review its licenses and recommend to the legislature on January 1, 1979, those licenses that should be eliminated or consolidated and justify those that should be retained.

(4) The plan for developing the system shall include a phased approach that:

(a) Will have completed before January 1, 1978, a requirements analysis and specification document including overview systems design;

(b) Will have completed before April 1, 1978, a detailed requirements analysis including general systems design;

(c) Will have established before April 1, 1978, interagency procedures for effectuating the system;

(d) Will have selected before April 1, 1978, those licenses which will be included in the initial implementation of the system and the date and manner the licenses will be integrated into the system;

(e) Will have completed before July 1, 1978, a cost benefit analysis of the final implementation of this chapter; and

(f) Will have concluded before October 1, 1979, trial applications and a test of the system.

(5) The department of ~~((motor vehicles))~~ licensing shall establish the position of assistant director of the business registrations and licenses system who will also act as executive secretary to the board of review.

(6) The director of ~~((motor vehicles))~~ licensing may adopt under chapter 34.04 RCW such rules as may be necessary to effectuate the purposes of this chapter.

Sec. 77. Section 4, chapter 319, Laws of 1977 ex. sess. and RCW 19-02.040 are each amended to read as follows:

(1) There is hereby created a board of review to provide policy direction to the department of ~~((motor vehicles))~~ licensing as it establishes and operates the business registration and licensing system. The board of review shall include the following officials:

(a) Director, department of revenue;

(b) Director, department of labor and industries;

(c) Commissioner, department of employment security;

(d) Director, department of agriculture;

(e) Director, department of commerce and economic development;

(f) Director, department of ~~((motor vehicles))~~ licensing;

(g) Director, office of ~~((program planning and fiscal))~~ financial management;

(h) Chairman, liquor board;

(i) Secretary, department of social and health services; and

(j) As ex officio members:

(i) The president of the senate or the president's designee; and

(ii) The speaker of the house or the speaker's designee.

(2) The governor shall appoint a chairperson from among the members of the board.

(3) The board shall meet at the call of the chairperson at least once each quarter to:

(a) Establish interagency policy guidelines for the system;

(b) Review the findings, status, and problems of system operations and recommend courses of action;

(c) Receive reports from industry and agency task forces; and

(d) Recommend to the system in questionable cases whether a specific license comes within the scope of this chapter.

Sec. 78. Section 5, chapter 319, Laws of 1977 ex. sess. and RCW 19-.02.050 are each amended to read as follows:

(1) The legislature hereby directs the full participation by the following agencies in the implementation of this chapter:

- (a) Department of agriculture;
- (b) Secretary of state;
- (c) Department of social and health services;
- (d) Department of revenue;
- (e) Department of fisheries;
- (f) Department of employment security;
- (g) Department of labor and industries;
- (h) Department of commerce and economic development;
- (i) Liquor control board;
- (j) Board of pharmacy;
- (k) Department of ~~((motor vehicles))~~ licensing;
- (l) Utilities and transportation commission; and
- (m) Other agencies as determined by the governor.

Sec. 79. Section 7, chapter 319, Laws of 1977 ex. sess. and RCW 19-.02.070 are each amended to read as follows:

Irrespective of any authority delegated to the department of ~~((motor vehicles))~~ licensing to implement the provisions of this chapter, the authority for determining if any requested license shall be issued shall remain with the agency otherwise legally authorized to issue the license.

Sec. 80. Section 2, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 222, Laws of 1977 ex. sess. and RCW 19-.09.020 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires:

(1) A "bona fide officer or employee" of a charitable organization is one whose conduct is subject to direct control by such organization and who does not act in the manner of an independent contractor in his relation with the organization.

(2) "Charitable organization" means: (a) Any benevolent, philanthropic, patriotic, eleemosynary, education, social, recreation, fraternal organization, or any other person having or purporting to have a charitable nature; and (b) which solicits or solicits and collects contributions for any charitable purpose. "Charitable" shall have its common law meaning unless the context in which it is used clearly requires a narrower or a broader meaning.

(3) "Contribution" means the donation, promise or grant, for consideration or otherwise, of any money or property of any kind or value which contribution is wholly or partly induced by a solicitation. Reference to dollar amounts of "contributions" or "solicitations" in this chapter means in



the case of payments or promises to pay for merchandise or rights of any description, the value of the total amount paid or promised to be paid for such merchandise or rights less the reasonable purchase price to the charitable organization of any such tangible merchandise, rights, or services resold by the organization, and not merely that portion of the purchase price to be applied to a charitable purpose.

(4) "Compensation" means salaries, wages, fees, commissions, or any other remuneration or valuable consideration.

(5) "Cost of solicitation" means and includes all costs, expenditures, debts, obligations, salaries, wages, commissions, fees, or other money or thing of value paid or incurred in making a solicitation for a direct gift or conducting a sale or benefit affair; cost of solicitation shall not include the reasonable purchase price to the charitable organization of any tangible goods or services resold by the organization as a part of its fund raising activities.

(6) "Director" means the director of (~~the department of motor vehicles~~) licensing.

(7) "Direct gift" shall mean and include an outright contribution of food, clothing, money, credit, property, financial assistance or other thing of value to be used for a charitable or religious purpose and for which the donor receives no consideration or thing of value in return.

(8) "Membership" means that for the payment of fees, dues, assessments, etc., an organization provides services and confers a bona fide right, privilege, professional standing, honor, or other direct benefit, in addition to the right to vote, elect officers, or hold office. The term "membership" shall not include those persons who are granted a membership upon making a contribution as the result of solicitation.

(9) "Parent organization" means that part of a charitable organization which coordinates, supervises, or exercises control over policy, fund raising, or expenditures, or assists or advises one or more chapters, branches, or affiliates of such organization in the state of Washington.

(10) "Person" means an individual, organization, group, association, partnership, corporation, or any combination thereof.

(11) "Professional fund raiser" means any person who, for compensation or other consideration, plans, conducts, manages, or advises concerning any drive or campaign in this state for the purpose of soliciting contributions for or on behalf of any charitable organization or charitable purpose, or who engages in the business of or holds himself out to persons in this state as independently engaged in the business of soliciting contributions for such purposes, or the business of planning, conducting, managing, or carrying on any drive or campaign in this state for such solicitations: PROVIDED, That the following persons shall not be deemed professional fund raisers: (a) Any bona fide officer or employee of a charitable organization which maintains a permanent establishment in the state of Washington; whose salary or other

compensation is not computed on funds raised or to be raised; (b) a clergyman of a religious corporation exempt under the provisions of RCW 19.09.030.

(12) A "professional solicitor" means any person other than a professional fund raiser who is employed or retained for compensation by any person or charitable organization to solicit contributions for charitable purposes from persons in this state, but shall not include any bona fide officer or employee of a registered charitable organization.

(13) "Sale and benefit affair" shall mean and include, but not be limited to, athletic or sports event, bazaar, benefit, campaign, circus, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, theater, or variety show which the public is requested to patronize or attend or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith: PROVIDED, That bingo activities, raffles, and amusement games conducted pursuant to the provisions of chapter 9.46 RCW and applicable rules of the Washington state gambling commission are specifically excluded and shall not be deemed a solicitation within the provisions of this chapter.

(14) "Solicitation" means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:

(a) Any appeal is made for any charitable purpose; or

(b) The name of any charitable organization is used as an inducement for consummating the sale; or

(c) Any statement is made which implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization.

The solicitation shall be deemed completed when made, whether or not the person making it receives any contribution or makes any sale.

Sec. 81. Section 1, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.100 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Person" includes individual, firm, partnership, trust, joint venture, association, or corporation.

(2) "Collection agency" means and includes:

(a) Any person directly or indirectly engaged in soliciting claims for collection, or collecting or attempting to collect claims owed or due or asserted to be owed or due another person;

(b) Any person who directly or indirectly furnishes or attempts to furnish, sells, or offers to sell forms represented to be a collection system or scheme intended or calculated to be used to collect claims even though the forms direct the debtor to make payment to the creditor and even though

the forms may be or are actually used by the creditor himself in his own name;

(c) Any person who in attempting to collect or in collecting his own claim uses a fictitious name or any name other than his own which would indicate to the debtor that a third person is collecting or attempting to collect such claim.

(3) "Collection agency" does not mean and does not include:

(a) Any individual engaged in soliciting claims for collection, or collecting or attempting to collect claims on behalf of a licensee under this chapter, if said individual is an employee of the licensee;

(b) Any individual collecting or attempting to collect claims for not more than one employer, if all the collection efforts are carried on in the name of the employer and if the individual is an employee of the employer; or

(c) Any person whose collection activities are carried on in his or its true name and are confined and are directly related to the operation of a business other than that of a collection agency, such as but not limited to trust companies, savings and loan associations, building and loan associations, abstract companies doing an escrow business, real estate brokers, public officers acting in their official capacities, persons acting under court order, lawyers, insurance companies, credit unions, loan or finance companies, mortgage banks, and banks.

(4) "Claim" means any obligation for the payment of money or thing of value arising out of any agreement or contract, express or implied.

(5) "Director" means the director of (~~the department of motor vehicles~~) licensing.

(6) "Client" or "customer" means any person authorizing or employing a collection agency to collect a claim.

(7) "Licensee" means any person licensed under this chapter.

(8) "Board" means the Washington state collection agency board.

(9) "Debtor" means any person owing or alleged to owe a claim.

Sec. 82. Section 2, chapter 228, Laws of 1969 ex. sess. as amended by section 1, chapter 51, Laws of 1977 ex. sess. and RCW 19.31.020 are each amended to read as follows:

Unless a different meaning is clearly required by the context, the following words and phrases, as hereinafter used in this chapter, shall have the following meanings:

(1) "Employment agency" is synonymous with "agency" and shall mean any business in which any part of the business gross or net income is derived from a fee received from applicants, and in which any of the following activities are engaged in:

(a) The offering, promising, procuring, or attempting to procure employment for applicants; or

(b) The giving of information regarding where and from whom employment may be obtained.

In addition the term "employment agency" shall mean and include any person, bureau, organization, or school which for profit, by advertisement or otherwise, offers, as one of its main objects or purposes, to procure employment for any person who pays for its services, or which collects tuition, or charges for service of any nature, where the main object of the person paying the same is to secure employment. The term "employment agency" shall not include labor union organizations, temporary service contractors, proprietary schools, theatrical agencies, farm labor contractors, or the Washington state employment agency.

(2) "Temporary service contractors" shall mean any person, firm, association, or corporation conducting a business which consists of employing individuals directly for the purpose of furnishing such individuals on a part time or temporary help basis to others.

(3) "Theatrical agency" means any person who, for a fee or commission, procures or attempts to procure on behalf of an individual or individuals, employment or engagements for circus, vaudeville, the variety field, the legitimate theater, motion pictures, radio, television, phonograph recordings, transcriptions, opera, concert, ballet, modeling, or other entertainments, exhibitions, or performances.

(4) "Farm labor contractor" means any person, or his agent, who, for a fee, employs workers to render personal services in connection with the production of any farm products, to, for, or under the direction of an employer engaged in the growing, producing, or harvesting of farm products, or who recruits, solicits, supplies, or hires workers on behalf of an employer engaged in the growing, producing, or harvesting of farm products or who provides in connection with recruiting, soliciting, supplying, or hiring workers engaged in the growing, producing, or harvesting of farm products, one or more of the following services: Furnishes board, lodging, or transportation for such workers, supervises, times, checks, counts, sizes, or otherwise directs or measures their work; or disburses wage payments to such persons.

(5) "Employer" means any person, firm, corporation, partnership, or association employing or seeking to enter into an arrangement to employ a person through the medium or service of an employment agency.

(6) "Applicant", except when used to describe an applicant for an employment agency license, means any person, whether employed or unemployed, seeking or entering into any arrangement for his employment or change of his employment through the medium or service of an employment agency.

(7) "Person" includes any individual, firm, corporation, partnership, association, company, society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent or employee of any of the foregoing.

(8) "Director" shall mean the director of (~~the department of motor vehicles~~) licensing.

Sec. 83. Section 1, chapter 252, Laws of 1971 ex. sess. as last amended by section 3, chapter 33, Laws of 1973 1st ex. sess. and RCW 19.100.010 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires:

(1) "Advertisement" means any written or printed communication or any communication by means of recorded telephone messages or spoken on radio, television, or similar communication media published in connection with an offer or sale of a franchise.

(2) "Community interest" means a continuing financial interest between the franchisor and franchisee in the operation of the franchise business.

(3) "Director" means the director of (~~department of motor vehicles~~) licensing.

(4) "Franchise" means an oral or written contract or agreement, either expressed or implied, in which a person grants to another person, a license to use a trade name, service mark, trade mark, logotype or related characteristic in which there is a community interest in the business of offering, selling, distributing goods or services at wholesale or retail, leasing, or otherwise and in which the franchisee is required to pay, directly or indirectly, a franchise fee: PROVIDED, That none of the following shall be construed as a franchise within the meaning of this chapter:

(a) The payment of a reasonable service charge to the issuer of a credit card by an establishment accepting or honoring such credit card or any transaction relating to a bank credit card plan;

(b) Actions or transactions otherwise permitted, prohibited or regulated under laws administered by the insurance commissioner of this state;

(c) Any motor vehicle dealer franchise subject to the provisions of chapter 46.70 RCW.

(5) "Bank credit card plan" means a credit card plan in which the issuer of credit cards as defined by RCW 9.26A.010(1) is a national bank, state bank, trust company or any other banking institution subject to the supervision of the supervisor of banking of this state or any parent or subsidiary of such bank.

(6) "Franchisee" means a person to whom a franchise is offered or granted.

(7) "Franchisor" means a person who grants a franchise to another person.

(8) "Area franchise" means any contract or agreement between a franchisor or subfranchisor whereby the subfranchisor is granted the right to sell or negotiate the sale of franchises in the name or on behalf of the franchisor.

(9) "Subfranchisor" means a person to whom an area franchise is granted.

(10) "Franchise broker or selling agent" means a person who directly or indirectly engages in the sale of franchises.

(11) "Franchise fee" means any fee or charge that a franchisee or sub-franchisor is required to pay or agrees to pay for the right to enter into a business or to continue a business under a franchise agreement, including, but not limited to, the payment either in lump sum or by installments of an initial capital investment fee, any fee or charges based upon a percentage of gross or net sales whether or not referred to as royalty fees, any payment for the mandatory purchase of goods or services or any payment for goods or services available only from the franchisor, or any training fees or training school fees or charges; however, the following shall not be considered payment of a franchise fee: (a) the purchase or agreement to purchase goods at a bona fide wholesale price; (b) the purchase or agreement to purchase goods by consignment; if, and only if the proceeds remitted by the franchisee from any such sale shall reflect only the bona fide wholesale price of such goods; (c) a bona fide loan to the franchisee from the franchisor; (d) the purchase or agreement to purchase goods at a bona fide retail price subject to a bona fide commission or compensation plan that in substance reflects only a bona fide wholesale transaction; (e) the purchase or lease or agreement to purchase or lease supplies or fixtures necessary to enter into the business or to continue the business under the franchise agreement at their fair market or rental value; (f) the purchase or lease or agreement to purchase or lease real property necessary to enter into the business or to continue the business under the franchise agreement at the fair market or rental value; (g) amounts paid for trading stamps redeemable in cash only; (h) amounts paid for trading stamps to be used as incentives only and not to be used in, with, or for the sale of any goods.

(12) "Person" means a natural person, corporation, partnership, trust, or other entity and in the case of an entity, it shall include any other entity which has a majority interest in such an entity or effectively controls such other entity as well as the individual officers, directors, and other persons in act of control of the activities of each such entity.

(13) "Publish" means publicly to issue or circulate by newspaper, mail, radio, or television or otherwise to disseminate to the public.

(14) "Sale or sell" includes every contract of sale, contract to sell, or disposition of a franchise.

(15) "Offer or offer to sell" includes every attempt or offer to dispose of or solicitation of an offer to buy a franchise or an interest in a franchise.

Sec. 84. Section 1, chapter 106, Laws of 1972 ex. sess. and RCW 19.105.010 are each amended to read as follows:

As used in this chapter, the following terms shall have the meanings herein ascribed to them, unless the context clearly requires otherwise:

(1) "Camping club" shall mean any corporation, firm, partnership, association, trust, or organization which:

(a) Is promoted, in whole or in part, for the financial benefit of another person, corporation, firm, partnership, association, trust, or organization; and

(b) Has camping and outdoor recreation as its primary purposes, and which is, or is intended to be, composed of members who have or will have obligated themselves to pay membership fees or other charges entitling them to use club facilities and grounds for camping and outdoor recreation purposes; and

(c) Contains or will contain camping vehicle sites; and

(d) Has legal or equitable title to the land on which the club is located or which leases, or is purchasing under a real estate contract, the land on which the club is located.

(2) "Camping vehicle site" means a space assigned to a camping club member for an indefinite period of time, or for life, or for a period of longer than one month, and on which site the member is entitled to park or locate a camping vehicle.

(3) "Camping vehicle" means a travel trailer, tent or tent trailer, pick-up camper, or other similar device used for portable housing.

(4) "Person" shall mean any person, firm, corporation, partnership, association, or organization.

(5) "Director" shall mean the director of (~~the department of motor vehicles~~) licensing acting in his capacity as administrator of the Securities Act, chapter 21.20 RCW, as now law or hereafter amended.

(6) "Promoter" shall mean the person or organization having a permit issued by the director to engage in the business of promoting or developing a camping club and having the overall responsibility for the sale of memberships in a camping club.

**\*Sec. 85. Section 60, chapter 282, Laws of 1959 as last amended by section 1, chapter 188, Laws of 1977 ex. sess. and RCW 21.20.005 are each amended to read as follows:**

**The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:**

**(1) "Director" means the director of (~~motor-vehicles~~) licensing of this state.**

**(2) "Salesman" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect sales of securities, but "salesman" does not include an individual who represents an issuer in (a) effecting a transaction in a security exempted by RCW 21.20.310(1), (2), (3), (4), (9), (10), or (11), as now or hereafter amended, (b) effecting transactions exempted by RCW 21.20.320, or (c) effecting transactions with existing employees, partners, or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state.**

(3) "**Broker-dealer**" means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. "**Broker-dealer**" does not include (a) a salesman, issuer, bank, savings institution, or trust company, (b) a person who has no place of business in this state if he effects transactions in this state exclusively with or through the issuers of the securities involved in the transactions, other broker-dealers, or banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (c) a person who has no place of business in this state if during any period of twelve consecutive months he does not direct more than fifteen offers to sell or to buy into this state in any manner to persons other than those specified in subsection (b) above.

(4) "**Guaranteed**" means guaranteed as to payment of principal, interest, or dividends.

(5) "**Full business day**" means all calendar days, excluding therefrom Saturdays, Sundays, and all legal holidays, as defined by statute.

(6) "**Investment adviser**" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "**Investment adviser**" does not include (a) a bank, savings institution, or trust company, (b) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice of his profession, (c) a broker-dealer, (d) a publisher of any bona fide newspaper, news magazine, or business or financial publication of general, regular, and paid circulation, (e) a person whose advice, analyses, or reports relate only to securities exempted by RCW 21.20.310(1), (f) a person who has no place of business in this state if (i) his only clients in this state are other investment advisers, broker-dealers, banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trust, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (ii) during any period of twelve consecutive months he does not direct business communications into this state in any manner to more than five clients other than those specified in clause (i) above, or (g) such other persons not within the intent of this paragraph as the director may by rule or order designate.

(7) "**Issuer**" means any person who issues or proposes to issue any security, except that with respect to certificates of deposit, voting trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted



*management, or unit type; the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued.*

*(8) "Nonissuer" means not directly or indirectly for the benefit of the issuer.*

*(9) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interest of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government.*

*(10) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value. "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value.*

*Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value. A purported gift of assessable stock is considered to involve an offer and sale. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.*

*(11) "Securities Act of 1933", "Securities Exchange Act of 1934", "Public Utility Holding Company Act of 1935", and "Investment Company Act of 1940" means the federal statutes of those names as amended before or after June 10, 1959.*

*(12) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting-trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease; or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing; or any sale of or indenture, bond or contract for the conveyance of land or any interest therein where such land is situated outside of the state of Washington and such sale or its offering is not conducted by a real estate broker licensed by the state of Washington. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or some other specified period.*

**(13) "State" means any state, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico.**

**(14) "Investment adviser salesman" means a person retained or employed by an investment adviser to solicit clients or offer the services of the investment adviser or manage the accounts of said clients.**

**(15) "Relatives", as used in RCW 21.20.310(11) as now or hereafter amended, shall include:**

- (a) A member's spouse;**
- (b) Grandparents of the member or the member's spouse;**
- (c) Natural or adopted children of the member or the member's spouse;**
- (d) Aunts and uncles of the member or the member's spouse; and**
- (e) First cousins of the member or the member's spouse.**

**\*Sec. 85. was vetoed, see message at end of chapter.**

Sec. 86. Section 45, chapter 282, Laws of 1959 as amended by section 25, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.450 are each amended to read as follows:

The administration of the provisions of this chapter shall be under the department of ~~((licenses))~~ licensing. The director may from time to time make, amend, and rescind such rules and forms as are necessary to carry out the provisions of this chapter, including rules defining any term, whether or not such term is used in the Washington securities law. The director may classify securities, persons, and matters within his jurisdiction, and prescribe different requirements for different classes. No rule or form, may be made unless the director finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this chapter. In prescribing rules and forms the director may cooperate with the securities administrators of the other states and the securities and exchange commission with a view to effectuating the policy of this statute to achieve maximum uniformity in the form and content of registration statements, applications, and reports wherever practicable. All rules and forms of the director shall be published.

Sec. 87. Section 9, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.720 are each amended to read as follows:

(1) A director or officer of a debenture company shall not:

(a) Have any interest, direct or indirect, in the gains or profits of the debenture company, except to receive dividends upon the amounts contributed by him, the same as any other depositor or shareholder and under the same regulations and conditions: PROVIDED, That nothing in this subsection shall be construed to prohibit salaries as may be approved by the debenture company's board of directors;

(b) Become a member of the board of directors or a controlling shareholder of another debenture company or a bank, trust company, or national banking association, of which board enough other directors or officers of the

debenture company are members so as to constitute with him a majority of the board of directors.

(2) Neither a director nor an officer shall:

(a) For himself or as agent or partner of another, directly or indirectly use any of the funds held by the debenture company, except to make such current and necessary payments as are authorized by the board of directors;

(b) Receive directly or indirectly and retain for his own use any commission on or benefit from any loan made by the debenture company, or any pay or emolument for services rendered to any borrower from the debenture company in connection with such loan;

(c) Become an indorser, surety, or guarantor, or in any manner an obligor, for any loan made from the debenture company and except when approval has been given by the director of ~~((the department of motor vehicles))~~ licensing or his administrator of securities upon recommendation by the company's board of directors.

(d) For himself or as agent or partner of another, directly or indirectly borrow any of the funds held by the debenture company, or become the owner of real property upon which the debenture company holds a mortgage. A loan to or a purchase by a corporation in which he is a stockholder to the amount of fifteen percent of the total outstanding stock, or in which he and other directors or officers of the debenture company hold stock to the amount of twenty-five percent of the total outstanding stock, shall be deemed a loan to or a purchase by such director or officer within the meaning of this section, except when the loan to or purchase by such corporation occurred without his knowledge or against his protest.

Sec. 88. Section 4, chapter 220, Laws of 1959 as amended by section 21, chapter 26, Laws of 1967 ex. sess. and RCW 23.90.040 are each amended to read as follows:

(1) Any Massachusetts trust desiring to do business in this state shall file with the secretary of state a verified copy of the trust instrument creating such a trust and any amendment thereto, the assumed business name, if any, and the names and addresses of its trustees; and it shall also file true copies of the foregoing with the county auditor in the county in which it has its principal place of business in this state, and also in any county in which it owns any real property.

(2) Any person dealing with such Massachusetts trust shall be bound by the terms and conditions of the trust instrument and any amendments thereto so filed.

(3) Any Massachusetts trust created under this chapter or entering this state pursuant thereto shall pay such taxes and fees as are imposed by the laws, ordinances, and resolutions of the state of Washington and any counties and municipalities thereof on domestic and foreign corporations, respectively, on an identical basis therewith. In computing such taxes and

fees, the shares of beneficial interest of such a trust shall have the character for tax purposes of shares of stock in private corporations.

(4) Any Massachusetts trust shall be subject to such applicable provisions of law, now or hereafter enacted, with respect to domestic and foreign corporations, respectively, as relate to the issuance of securities, filing of required statements or reports, service of process, general grants of power to act, right to sue and be sued, limitation of individual liability of shareholders, rights to acquire, mortgage, sell, lease, operate and otherwise to deal in real and personal property, and other applicable rights and duties existing under the common law and statutes of this state in a manner similar to those applicable to domestic and foreign corporations.

(5) The secretary of state, director of (~~motor vehicles~~) licensing, and the department of revenue of the state of Washington, and the several county auditors in which any such Massachusetts trust shall have its principal place of business or own any real property are each authorized and directed to prescribe binding rules and regulations applicable to said Massachusetts trusts consistent with this chapter.

Sec. 89. Section 4, chapter 153, Laws of 1969 ex. sess. and RCW 28A-04.131 are each amended to read as follows:

In addition to other powers and duties, the state board of education shall adopt rules and regulations governing the training and qualifications of school bus drivers. Such rules and regulations shall be designed to insure that persons will not be employed to operate school buses unless they possess such physical health and driving skills as are necessary to safely operate school buses: **PROVIDED**, That such rules and regulations shall not conflict with the authority of the department of (~~motor vehicles~~) licensing to license school bus drivers in accordance with RCW 46.20.440 through 46.20.470.

Sec. 90. Section 15, chapter 234, Laws of 1959 as last amended by section 17, chapter 57, Laws of 1971 ex. sess. and RCW 34.04.150 are each amended to read as follows:

This chapter shall not apply to the state militia, or the board of prison terms and paroles, or any institution of higher education as defined in RCW 28B.19.020. The provisions of RCW 34.04.090 through 34.04.130 shall not apply to the board of industrial insurance appeals or the board of tax appeals unless an election is made pursuant to RCW 82.03.140 or 82.03.190. The provisions of RCW 34.04.090 through 34.04.130 and the provisions of RCW 34.04.170 shall not apply to the denial, suspension or revocation of a driver's license by the department of (~~motor vehicles~~) licensing. All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the administrative procedure act, shall be subject to the entire act.

Sec. 91. Section 12, chapter 255, Laws of 1969 ex. sess. and RCW 35-.58.277 are each amended to read as follows:

When remitting license fee receipts to the state pursuant to RCW 82-.44.110, the county auditor shall at the same time remit the special excise taxes collected for the municipality and, subject to the provisions of subsection (2) of RCW 82.44.150, the sum so collected and paid over on behalf of the municipality shall be credited against the amount of the tax the auditor would otherwise be required to collect and pay over to the director of (~~(motor vehicles))~~ licensing for ultimate distribution to the general fund under chapter 82.44 RCW.

Sec. 92. Section 1, chapter 117, Laws of 1977 ex. sess. and RCW 43-.07.150 are each amended to read as follows:

All powers, duties, and functions vested by law in the secretary of state relating to the Uniform Commercial Code are transferred to the department of (~~(motor vehicles))~~ licensing.

Sec. 93. Section 6, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.580 are each amended to read as follows:

There is hereby established an automotive policy board consisting of the governor, the commissioner of public lands, the state attorney general, the secretary of the department of social and health services, the director of (~~(the department of motor vehicles))~~ licensing, and a representative of four-year institutions of higher education to be designated by a majority vote of the presidents of such institutions. The governor, the commissioner of public lands and the attorney general are each authorized to designate a member of their agency's staffs to serve on the board as their alternates when they are unable to attend. The board shall be empowered to select its own chairman, vice chairman, and any other necessary officers by majority vote and to make rules and regulations for the orderly conduct of business. The board shall approve all state-wide policies relating to passenger motor vehicle acquisition, utilization, and disposition and shall perform such additional functions as may be directed by law. The board shall also arbitrate and decide by majority vote the issue in any case of a dispute over the economic justification and benefits to be gained by the transfer to a state motor pool of passenger motor vehicles owned or operated by a state agency pursuant to RCW 43.19.600(3). Any necessary staff support and administrative services required by the board shall be furnished by the department of general administration.

Sec. 94. Section 43.24.010, chapter 8, Laws of 1965 as amended by section 1, chapter 100, Laws of 1965 and RCW 43.24.010 are each amended to read as follows:

The director of (~~(motor vehicles))~~ licensing shall have charge and general supervision of the department of (~~(motor vehicles))~~ licensing.

He may appoint such clerical and other assistants as may be necessary to carry on the work of the department and deputize one or more of such assistants to perform duties in the name of the director.

Sec. 95. Section 43.24.020, chapter 8, Laws of 1965 as amended by section 2, chapter 100, Laws of 1965 and RCW 43.24.020 are each amended to read as follows:

The director of ~~((motor vehicles))~~ licensing shall administer all laws with respect to the examination of applicants for, and the issuance of, licenses to persons to engage in any business, profession, trade, occupation, or activity.

This shall include the administration of all laws pertaining to the regulation of securities and speculative investments.

Sec. 96. Section 42, chapter 170, Laws of 1965 ex. sess. and RCW 43.24.024 are each amended to read as follows:

The director of ~~((motor vehicles))~~ licensing may delegate to the ~~((administrative head of the division of professional licensing of))~~ assistant director of the business and professions administration in the department of ((motor vehicles)) licensing authority to promulgate rules and regulations relating to the licensing of persons engaged in businesses and professions and to the administration of laws pertaining to the regulation of securities. The director may delegate the authority to issue and sign licenses, certificates, permits and renewals thereof pertaining to those activities transferred to the ~~((professional licensing division of))~~ business and professions administration in the department of ((motor vehicles)) licensing pursuant to RCW 46.01.050.

Sec. 97. Section 43.24.040, chapter 8, Laws of 1965 and RCW 43.24.040 are each amended to read as follows:

The director of ~~((motor vehicles))~~ licensing shall prescribe the various forms of applications, certificates, and licenses required by law.

Sec. 98. Section 43.24.060, chapter 8, Laws of 1965 as last amended by section 105, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.24.060 are each amended to read as follows:

The director of ~~((motor vehicles))~~ licensing shall, from time to time, fix such times and places for holding examinations of applicants as may be convenient, and adopt general rules and regulations prescribing the method of conducting examinations.

The governor, from time to time, upon the request of the director of ~~((motor vehicles))~~ licensing, shall appoint examining committees, composed of three persons possessing the qualifications provided by law to conduct examinations of applicants for licenses to practice the respective professions or callings for which licenses are required.

The committees shall prepare the necessary lists of examination questions, conduct the examinations, which may be either oral or written, or

partly oral and partly written, and shall make and file with the director of ~~((motor vehicles))~~ licensing lists, signed by all the members conducting the examination, showing the names and addresses of all applicants for licenses who have successfully passed the examination, and showing separately the names and addresses of the applicants who have failed to pass the examination, together with all examination questions and the written answers thereto submitted by the applicants.

Each member of a committee shall receive twenty-five dollars per day for each day spent in conducting the examination and in going to and returning from the place of examination, and travel expenses, in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 99. Section 43.24.080, chapter 8, Laws of 1965 as amended by section 4, chapter 100, Laws of 1965 and RCW 43.24.080 are each amended to read as follows:

At the close of each examination the department of ~~((motor vehicles))~~ licensing shall prepare the proper licenses, where no further fee is required to be paid, and issue licenses to the successful applicants signed by the director and notify all successful applicants, where a further fee is required, of the fact that they are entitled to receive such license upon the payment of such further fee to the department of ~~((motor vehicles))~~ licensing and notify all applicants who have failed to pass the examination of that fact.

Sec. 100. Section 21, chapter 266, Laws of 1971 ex. sess. as amended by section 93, chapter 30, Laws of 1975 1st ex. sess. and RCW 43.24.085 are each amended to read as follows:

It shall be the policy of the state of Washington that the director of ~~((the department of motor vehicles))~~ licensing shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or registration of professions, occupations, or businesses, administered by the ~~((professional licensing division of))~~ business and professions administration in the department of ~~((motor vehicles))~~ licensing. In fixing said fees the director shall, insofar as is practicable, fix the fees relating to each profession, occupation, or business in such a manner that the income from each will match the anticipated expenses to be incurred in the administration of the laws relating to each such profession, occupation, or business. All such fees shall be fixed by rule and regulation adopted by the director in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW: PROVIDED, That

(1) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than five dollars or in excess of fifteen dollars:

- Barber
- Student barber
- Cosmetologist (manager-operator)

Cosmetologist (operator)  
Cosmetologist (instructor–operator)  
Apprentice embalmers  
Manicurist  
Apprentice funeral directors  
Registered nurse  
Licensed practical nurse  
Charitable organization  
Professional solicitor;

(2) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than ten dollars or in excess of twenty dollars:

Dental hygienist  
Barber instructor  
Barber manager instructor  
Psychologist  
Embalmer  
Funeral director  
Sanitarian  
Veterinarian  
Cosmetology shop  
Barber shop  
Proprietary school agent  
Specialized and advance registered nurse  
Physician's assistant  
Osteopathic physician's assistant;

(3) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than fifteen dollars or in excess of thirty-five dollars:

Architect  
Dentist  
Engineer  
Land Surveyor  
Podiatrist  
Chiropractor  
Drugless therapeutic  
Osteopathic physician  
Osteopathic physician and surgeon  
Physical therapist  
Physician and surgeon  
Optometrist  
Dispensing optician  
Landscape architect  
Nursing home administrator



Hearing aid fitter;

(4) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than fifty dollars or in excess of two hundred dollars:

- Engineer corporation
- Engineer partnership
- Cosmetology school
- Barber school
- Debt adjuster agency
- Debt adjuster branch office
- Debt adjuster
- Proprietary school
- Employment agency
- Employment agency branch office
- Collection agency
- Collection agency branch office
- Professional fund raiser.

Sec. 101. Section 43.24.110, chapter 8, Laws of 1965 as last amended by section 106, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.24.110 are each amended to read as follows:

Whenever there is filed with the director of ~~((motor vehicles))~~ licensing any complaint charging that the holder of a license has been guilty of any act or omission which by the provisions of the law under which the license was issued would warrant the revocation thereof, verified in the manner provided by law, the director of ~~((motor vehicles))~~ licensing shall request the governor to appoint, and the governor shall appoint, two qualified practitioners of the profession or calling of the person charged, who, with the director or his duly appointed representative, shall constitute a committee to hear and determine the charges and, in case the charges are sustained, impose the penalty provided by law. The decision of any two members of such committee shall be the decision of the committee.

The appointed members of the committee shall receive twenty-five dollars per day for each day spent in the performance of their duties and in going to and returning from the place of hearing, and their travel expenses, in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 102. Section 43.24.120, chapter 8, Laws of 1965 as amended by section 112, chapter 81, Laws of 1971 and RCW 43.24.120 are each amended to read as follows:

Any person feeling aggrieved by the refusal of the director to issue a license, or to renew one, or by the revocation or suspension of a license shall have a right of appeal from the decision of the director of ~~((motor vehicles))~~ licensing to the superior court of Thurston county, which shall be taken,

prosecuted, heard, and determined in the manner provided by law for appeals from justices' courts to superior courts.

No appeal shall lie from the decision of the superior court of Thurston county on appeals from the director of ~~((motor vehicles))~~ licensing, but the decision may be reviewed as to matters of law by the supreme court or the court of appeals upon writs of review sued out in the manner provided by law.

Sec. 103. Section 43.24.130, chapter 8, Laws of 1965 and RCW 43.24-.130 are each amended to read as follows:

Notwithstanding any provision of law to the contrary, the license of any person licensed by the director of ~~((motor vehicles))~~ licensing to practice a profession or engage in an occupation, if valid and in force and effect at the time the licensee entered service in the armed forces or the merchant marine of the United States, shall continue in full force and effect so long as such service continues, unless sooner suspended, canceled, or revoked for cause as provided by law. The director shall renew the license of every such person who applies for renewal thereof within six months after being honorably discharged from service upon payment of the renewal fee applicable to the then current year or other license period.

Sec. 104. Section 1, chapter 52, Laws of 1971 and RCW 43.24.140 are each amended to read as follows:

Notwithstanding any provision of law to the contrary, the director of ~~((motor vehicles))~~ licensing may, from time to time, extend the duration of a licensing period for the purpose of staggering renewal periods. Such extension of a licensing period shall be by rule or regulation of the department of ~~((motor vehicles))~~ licensing adopted in accordance with the provisions of chapter 34.04 RCW. Such rules and regulations may provide a method for imposing and collecting such additional proportional fee as may be required for the extended period.

Sec. 105. Section 3, chapter 147, Laws of 1967 ex. sess. as last amended by section 7, chapter 85, Laws of 1971 ex. sess. and RCW 43.59.030 are each amended to read as follows:

The governor shall be assisted in his duties and responsibilities by the Washington state traffic safety commission. The Washington traffic safety commission shall be comprised of the governor as chairman, the superintendent of public instruction, the director of ~~((motor vehicles))~~ licensing, the director of highways, the chief of the state patrol, the ~~((director of the state department of health))~~ secretary of social and health services, a representative of the association of Washington cities to be appointed by the governor, a member of the association of counties to be appointed by the governor, and a representative of the judiciary to be appointed by the governor. Appointments to any vacancies among appointee members shall be as in the case of original appointment.

Sec. 106. Section 43.74.005, chapter 8, Laws of 1965 and RCW 43.74-.005 are each amended to read as follows:

Terms used in this chapter shall have the following meaning:

(1) "Basic sciences" are anatomy, physiology, chemistry, pathology, bacteriology, and hygiene.

(2) "Healing art" is any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, prevention, cure, relief, palliation, adjustment, or correction of any human disease, ailment, deformity, injury or unhealthy or abnormal physical or mental condition.

(3) "Committee" means the examining committee created herein.

(4) "Director" means the director of (~~the department of motor vehicles~~) licensing.

Sec. 107. Section 43.74.060, chapter 8, Laws of 1965 and RCW 43.74-.060 are each amended to read as follows:

In any case where existing law requires an examination in any one or more of the branches of anatomy, physiology, chemistry, pathology, bacteriology, or hygiene, as a prerequisite to the issuance of the license applied for, the director (~~of motor vehicles~~) may dispense with a second examination in any or all of such five branches in which an applicant has passed in a preliminary examination with a grade of not less than seventy-five percent.

Sec. 108. Section 2, chapter 5, Laws of 1965 as amended by section 1, chapter 56, Laws of 1972 ex. sess. and RCW 43.99.020 are each amended to read as follows:

Definitions: As used in this chapter:

(1) "Marine recreation land" means any land with or without improvements which (a) provides access to, or in whole or in part borders on, fresh or salt water suitable for recreational use by watercraft, or (b) may be used to create, add to, or make more usable, bodies of water, waterways, or land, for recreational use by watercraft.

(2) "Public body" means any county, city, town, port district, park and recreation district, metropolitan park district, or other municipal corporation which is authorized to acquire or improve public outdoor recreation land, and shall also mean Indian tribes now or hereafter recognized as such by the federal government for participation in the land and water conservation program.

(3) "Tax on marine fuel" means motor vehicle fuel tax which is (a) tax on fuel used in, or sold or distributed for use in, any watercraft, (b) refundable pursuant to chapter 82.36 RCW, and (c) paid to the director of (~~motor vehicles~~) licensing with respect to taxable sales, distributions, or uses occurring on or after December 3, 1964.

(4) "Watercraft" means any boat, vessel, or other craft used for navigation on or through water.

(5) "Committee" means the interagency committee for outdoor recreation.

Sec. 109. Section 3, chapter 5, Laws of 1965 as last amended by section 1, chapter 50, Laws of 1975-'76 2nd ex. sess. and RCW 43.99.030 are each amended to read as follows:

From time to time, but at least once each four years, the director of ~~((motor vehicles))~~ licensing shall determine the amount or proportion of moneys paid to him as motor vehicle fuel tax which is tax on marine fuel. The director shall make or authorize the making of studies, surveys, or investigations to assist him in making such determination, and shall hold one or more public hearings on the findings of such studies, surveys, or investigations prior to making his determination. The studies, surveys, or investigations conducted pursuant to this section shall encompass a period of twelve consecutive months each time. The final determination by the director shall be implemented as of the first day of the calendar month, which date falls closest to the mid-point of the time period for which the study data were collected. The director may delegate his duties and authority under this section to one or more persons of the department of ~~((motor vehicles))~~ licensing if he finds such delegation necessary and proper to the efficient performance of these duties. Costs of carrying out the provisions of this section shall be paid from the marine fuel tax refund account created in RCW 43.99.040, upon legislative appropriation.

Sec. 110. Section 4, chapter 5, Laws of 1965 and RCW 43.99.040 are each amended to read as follows:

There is created the marine fuel tax refund account in the general fund. From time to time, but at least once each biennium, the director of ~~((motor vehicles))~~ licensing shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be tax on marine fuel. The state treasurer shall refund such amounts and place them in the marine fuel tax refund account to be held for those entitled thereto pursuant to chapter 82.36 RCW and RCW 43.99.050, except that he shall not refund and place in the marine fuel tax refund account for any period for which a determination has been made pursuant to RCW 43.99.030 more than the greater of the following amounts: (1) an amount equal to two percent of all moneys paid to him as motor vehicle fuel tax for such period, (2) an amount necessary to meet all approved claims for refund of tax on marine fuel for such period.

Sec. 111. Section 7, chapter 5, Laws of 1965 and RCW 43.99.070 are each amended to read as follows:

Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. From time to time, but at least once each biennium, the director of ~~((motor vehicles))~~ licensing, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account and the costs of carrying out the provisions of RCW 43.99-.030, shall request the state treasurer to transfer to the outdoor recreation

account such of the moneys in the marine fuel tax refund account as shall not be required for payment of such refund claims or costs, and the state treasurer shall make such transfer.

Sec. 112. Section 1, chapter 201, Laws of 1973 1st ex. sess. as amended by section 9, chapter 235, Laws of 1977 ex. sess. and RCW 44.40.070 are each amended to read as follows:

Prior to October 1 of each even-numbered year all state agencies whose major programs consist of transportation activities, including ~~((the state highway commission, the toll bridge authority,))~~ the urban arterial board, the Washington state patrol, the department of ~~((motor vehicles))~~ licensing, the traffic safety commission, the county road administration board, and the ~~((aeronautics commission))~~ department of transportation, shall adopt or revise after consultation with the legislative transportation committee, and/or senate and house transportation committees, a long range plan of not less than six years and a comprehensive six-year program and financial plan for all transportation activities under each agency's jurisdiction.

The long range plan shall state the general objectives and needs of each agency's major transportation programs.

The comprehensive six-year program and financial plan shall be prepared in consonance with the long range plan and shall identify that portion of the long range plan to be accomplished within the succeeding six-year period.

Sec. 113. Section 1, chapter 334, Laws of 1977 ex. sess. and RCW 46.01.011 are each amended to read as follows:

The legislature finds that the department of ~~((motor vehicles))~~ licensing administers laws relating to the licensing and regulation of professions, businesses, securities, gambling, and other activities in addition to administering laws relating to the licensing and regulation of vehicles and vehicle operators, dealers, and manufacturers. ~~((The present title of the department does not properly indicate its responsibility and creates confusion in the mind of the public.))~~ The laws administered by the department have the common denominator of licensing and regulation and are directed toward protecting and enhancing the well-being of the residents of the state. ~~((It is the purpose of this 1977 amendatory act to change the name of the department of motor vehicles to the department of licensing in order to accurately reflect the responsibilities and functions of the department.))~~

Sec. 114. Section 2, chapter 156, Laws of 1965 as amended by section 2, chapter 334, Laws of 1977 ex. sess. and RCW 46.01.020 are each amended to read as follows:

~~((†))~~ A department of the government of this state to be known as the "department of licensing" is hereby created.

~~((2) The department shall succeed to and is hereby vested with all powers, duties and jurisdiction relating to motor vehicles now vested in the director of licenses.~~

~~(3) All powers, functions, and duties vested by law in the director of motor vehicles or in the department of motor vehicles on or before June 30, 1977, shall be considered powers, functions, and duties of the director of licensing or the department of licensing, respectively, and all rules of the director of motor vehicles on or before June 30, 1977, shall be considered rules of the director of licensing.~~

~~(4) Any references in the Revised Code of Washington to the director of motor vehicles or the department of motor vehicles shall be considered to be references to the director of licensing or to the department of licensing, respectively.))~~

Sec. 115. Section 4, chapter 156, Laws of 1965 and RCW 46.01.040 are each amended to read as follows:

The department of ~~((motor vehicles))~~ licensing is vested with all powers, functions, and duties ~~((of the director of licenses))~~ with respect to and including the following:

- (1) the motor vehicle fuel excise tax as provided in chapter 82.36 RCW;
- (2) the use fuel tax as provided in chapter 82.40 RCW;
- (3) the motor vehicle excise tax as provided in chapter 82.44 RCW;
- (4) the house trailer excise tax as provided in chapter 82.50 RCW;
- (5) all general powers and duties relating to motor vehicles as provided in chapter 46.08 RCW;
- (6) certificates of ownership and registration as provided in chapters 46.12 and 46.16 RCW;
- (7) the registration and licensing of motor vehicles as provided in chapters 46.12 and 46.16 RCW;
- (8) dealers' licenses as provided in chapter 46.70 RCW;
- (9) the licensing of motor vehicle transporters as provided in chapter 46.76 RCW;
- (10) the licensing of motor vehicle wreckers as provided in chapter 46.80 RCW;
- (11) the administration of the laws relating to the highway user tax structure as provided in chapter 46.84 RCW;
- (12) the licensing of passenger vehicles for hire as provided in chapter 46.72 RCW;
- (13) operators' licenses as provided in chapter 46.20 RCW;
- (14) commercial driver training schools as provided in chapter 46.82 RCW;
- (15) financial responsibility as provided in chapter 46.29 RCW;
- (16) accident reporting as provided in chapter 46.52 RCW;
- (17) disposition of revenues as provided in chapter 46.68 RCW; and

(18) the administration of all other laws relating to motor vehicles ~~((now))~~ vested in the director of licenses on June 30, 1965.

Sec. 116. Section 5, chapter 156, Laws of 1965 as amended by section 34, chapter 281, Laws of 1969 ex. sess. and RCW 46.01.050 are each amended to read as follows:

All powers, functions and duties ~~((now))~~ vested by law in ~~((the director of licenses or the department of licenses or in))~~ the division of professional licensing in the department of ~~((motor vehicles))~~ licensing on August 9, 1969, other than those enumerated in RCW 46.01.040, shall be transferred to the business and ~~((professional))~~ professions administration hereby created consisting of the divisions of securities, real estate, and professional licensing, within the department of ~~((motor vehicles))~~ licensing.

Sec. 117. Section 117, chapter 32, Laws of 1967 as amended by section 35, chapter 281, Laws of 1969 ex. sess. and RCW 46.01.055 are each amended to read as follows:

The director of ~~((motor vehicles))~~ licensing shall appoint and deputize an assistant director of business and professions administration, who shall have charge and supervision of the business and professions administration.

Sec. 118. Section 7, chapter 156, Laws of 1965 and RCW 46.01.070 are each amended to read as follows:

Functions named in RCW 46.01.030 which have ~~((heretofore))~~ been performed by the state patrol as agent of the director of licenses before June 30, 1965 shall be performed by the department of ~~((motor vehicles))~~ licensing after June 30, 1965.

Sec. 119. Section 9, chapter 156, Laws of 1965 and RCW 46.01.090 are each amended to read as follows:

The department shall be under the control of an executive officer to be known as the director of ~~((motor vehicles))~~ licensing. He shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director shall be selected with special reference to his experience, capacity and interest in the field of motor vehicle administration or highway safety.

Sec. 120. Section 46.08.140, chapter 12, Laws of 1961 as amended by section 11, chapter 156, Laws of 1965 and RCW 46.01.110 are each amended to read as follows:

The director of ~~((motor vehicles))~~ licensing is hereby authorized to adopt and enforce such reasonable rules and regulations as may be consistent with and necessary to carry out the provisions relating to vehicle licenses, certificates of ownership and license registration and drivers' licenses not in conflict with the provisions of Title 46 RCW.

Sec. 121. Section 46.08.090, chapter 12, Laws of 1961 as last amended by section 2, chapter 103, Laws of 1973 and RCW 46.01.130 are each amended to read as follows:

The department of ((~~motor vehicles~~)) licensing shall have the general supervision and control of the issuing of vehicle licenses and vehicle license number plates and shall have the full power to do all things necessary and proper to carry out the provisions of the law relating to the licensing of vehicles; the director shall have the power to appoint and employ deputies, assistants and representatives, and such clerks as may be required from time to time, and to provide for their operation in different parts of the state, and the director shall have the power to appoint the county auditors of the several counties as his agents for the licensing of vehicles.

Sec. 122. Section 46.08.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 146, Laws of 1975 1st ex. sess. and RCW 46.01.140 are each amended to read as follows:

The county auditor, if appointed by the director of ((~~motor vehicles~~)) licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

At any time any application is made to the director, the county auditor or other agent pursuant to any law dealing with licenses, certificates of ownership, registration, the right to operate any vehicle upon the public highways of this state, the applicant shall pay to the director, county auditor or other agent a fee of one dollar for each application in addition to any other fees required by law, which fee of one dollar, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. In the event that such fee is paid to another agent of the director, such fee shall be used by such agent to defray his expenses in handling the application: PROVIDED, That in the event such fee is collected by the state patrol, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

Sec. 123. Section 19, chapter 156, Laws of 1965 and RCW 46.01.190 are each amended to read as follows:

The director of ((~~motor vehicles~~)) licensing may designate the Washington state patrol as an agent to secure the surrender of drivers' licenses which have been suspended, revoked, or canceled pursuant to law.



Sec. 124. Section 44, chapter 170, Laws of 1965 ex. sess. as amended by section 1, chapter 52, Laws of 1975 and RCW 46.01.230 are each amended to read as follows:

(1) The department of ((~~motor vehicles~~)) licensing is authorized to accept checks and money orders for payment of drivers' licenses, certificates of ownership and registration, motor vehicle excise taxes, gross weight fees and other fees and taxes collected by the department, in accordance with regulations adopted by the director. The director's regulations shall duly provide for the public's convenience consistent with sound business practice and shall encourage the annual renewal of vehicle registrations by mail to the department, authorizing checks and money orders for payment. Such regulations shall contain provisions for cancellation of any registrations, licenses or permits paid for by checks or money orders which are not duly paid and for the necessary accounting procedures in such cases: PROVIDED, That any bona fide purchaser for value of a vehicle shall not be liable or responsible for any prior uncollected taxes and fees paid, pursuant to this section, by a check which has subsequently been dishonored: AND PROVIDED FURTHER, That no transfer of ownership of a vehicle shall be denied to a bona fide purchaser for value of a vehicle if there are outstanding uncollected fees or taxes for which a predecessor paid, pursuant to this section, by check which has subsequently been dishonored nor shall the new owner be required to pay any fee for replacement vehicle license number plates that may be required pursuant to RCW 46.16.270.

(2) Any person shall be guilty of a misdemeanor who shall fail to surrender within ten days to the department or any authorized agent of the department any certificate, license or permit after being notified by certified mail that such certificate, license or permit has been canceled pursuant to this section.

Sec. 125. Section 46.08.110, chapter 12, Laws of 1961 as amended by section 3, chapter 32, Laws of 1967 and RCW 46.01.250 are each amended to read as follows:

The director shall have the power and it shall be his duty upon request and payment of the fee as provided herein to furnish under seal of the director certified copies of any records of the department, except those for confidential use only. The director shall charge and collect therefor the actual cost to the department. Any funds accruing to the director of ((~~motor vehicles~~)) licensing under this section shall be certified and sent to the state treasurer and by him deposited to the credit of the highway safety fund.

Sec. 126. Section 4, chapter 25, Laws of 1975 and RCW 46.04.690 are each amended to read as follows:

The term "department" shall mean the department of ((~~motor vehicles~~)) licensing unless a different department is specified.

Sec. 127. Section 5, chapter 25, Laws of 1975 and RCW 46.04.695 are each amended to read as follows:

The term "director" shall mean the director of (~~motor vehicles~~) licensing unless the director of a different department of government is specified.

Sec. 128. Section 2, chapter 169, Laws of 1975 1st ex. sess. and RCW 46.08.066 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, the department of (~~motor vehicles~~) licensing is authorized to issue confidential motor vehicle license plates to units of local government and to agencies of the federal government for law enforcement purposes only.

(2) Except as provided in subsections (3) and (4) of this section the use of confidential plates on vehicles owned or operated by the state of Washington by any officer or employee thereof, shall be limited to confidential, investigative, or undercover work of state law enforcement agencies, confidential public health work, and confidential public assistance fraud or support investigations.

(3) Any state official elected on a state-wide basis shall be provided on request with one set of confidential plates for use on official business. When necessary for the personal security of any other public officer, or public employee, the chief of the Washington state patrol may recommend that the director issue confidential plates for use on an unmarked publicly owned or controlled vehicle of the appropriate governmental unit for the conduct of official business for the period of time that the personal security of such state official, public officer, or other public employee may require. The office of the state treasurer may use an unmarked state owned or controlled vehicle with confidential plates where required for the safe transportation of either state funds or negotiable securities to or from the office of the state treasurer.

(4) The director of (~~the department of motor vehicles~~) licensing, with the approval of the automotive policy board established pursuant to RCW 43.19.580, may issue rules and regulations governing applications for, and the use of, such plates by law enforcement and other public agencies. The legislative auditor shall periodically examine or require filing of a current listing of the total number of such plates issued to any law enforcement or other public agency. Reports on the utilization of such plates shall be submitted to the legislative budget committee and to the legislature.

Sec. 129. Section 7, chapter 47, Laws of 1971 ex. sess. as last amended by section 1, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.020 are each amended to read as follows:

As used in this chapter the following words and phrases shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicates:

"Person" shall mean any individual, firm, partnership, association or corporation.

"Nonhighway vehicle" shall mean any self-propelled vehicle when used for recreation travel on trails and nonhighway roads or for recreation cross-country travel on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles shall include but are not limited to, two or four-wheel drive vehicles, motorcycles, dune buggies, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

Nonhighway vehicle does not include:

- (1) Any vehicle designed primarily for travel on, over, or in the water;
- (2) Snowmobiles or any military vehicles; or
- (3) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

"Off-road vehicle" or "ORV" means any nonhighway vehicle when used for cross-country travel on trails or on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland and other natural terrain.

"ORV use permit" shall mean the permit system established for off-road vehicles in this state under this chapter.

"ORV trail" shall mean a corridor designated and maintained for recreational travel by off-road vehicles which is not normally suitable for travel by conventional two-wheel drive vehicles and where it is posted or designated by the managing authority of the property that the trail traverses as permitting ORV travel.

"ORV use area" means the entire area of a parcel of land except for camping and approved buffer areas where it is posted or designated for ORV use in accordance with rules adopted by the managing authority.

"Owner" shall mean the person other than the lienholder, having an interest in or title to a nonhighway vehicle, and entitled to the use or possession thereof.

"Operator" means each person who operates, or is in physical control of, any nonhighway vehicle.

"ORV moneys" shall mean those moneys derived from motor vehicle excise taxes on fuel used and purchased for providing the motive power for nonhighway vehicles as described in RCW 46.09.150, ORV use permit fees, and ORV dealer permit fees, provided these moneys are:

- (1) Credited to the outdoor recreation account; or
- (2) Credited to the ORV account for user education or for acquisition, planning, development, maintenance, and management of designated off-road vehicle trails and areas.

"Dealer" means a person, partnership, association, or corporation engaged in the business of selling off-road vehicles at wholesale or retail in this state.

"Department" shall mean the department of ~~((motor vehicles))~~ licensing.

"Director" shall mean the director of ~~((the department of motor vehicles))~~ licensing.

"Committee" shall mean the interagency committee for outdoor recreation.

"Hunt" shall mean any effort to kill, injure, capture, or purposely disturb a wild animal or wild bird.

"Nonhighway road" shall mean any road other than a highway generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles and which are private roads or controlled and maintained by the department of natural resources, the state parks and recreation commission and the state game department: PROVIDED, That such roads are not built or maintained by appropriations from the motor vehicle fund.

"Highway" for the purpose of this chapter only shall mean the entire width between the boundary lines of every way publicly maintained by the state department of ~~((highways))~~ transportation or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right.

"Organized competitive event" shall mean any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at a predetermined time and place.

Sec. 130. Section 22, chapter 47, Laws of 1971 ex. sess. as last amended by section 14, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.170 are each amended to read as follows:

(1) From time to time, but at least once each year, the director of ~~((the department of motor vehicles))~~ licensing shall request the state treasurer to refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected pursuant to chapter 82.36 RCW, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Twenty-five percent shall be credited to the ORV account and administered by the department of natural resources solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(b) Three and one-half percent shall be credited to the ORV account and administered by the department of game solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Twenty percent shall be credited to the ORV account and administered by the department of natural resources and shall be designated as ORV moneys to be used only for the acquisition, planning, development, maintenance, and management of designated off-road vehicle trails and areas; to construct campgrounds and trailheads which are necessary for the convenient use of designated ORV trails and areas; and to maintain those campgrounds and trailheads specifically constructed with ORV moneys: PROVIDED, HOWEVER, That the department of natural resources, two months prior to the acquisition and development of such trails, areas, campgrounds and trailheads for off-road vehicles, shall conduct a public hearing at a suitable location in the nearest town of five hundred population or more, and the department shall publish a notice of such hearing on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the county or counties where the property which is the subject of the proposed facility is located. The department of natural resources shall further file such notice of hearing with the department of ecology at the main office in Olympia and shall comply with the provisions of the state environmental policy act, chapter 43.21C RCW and regulations promulgated thereunder; and

(d) Fifty-one and one-half percent shall be credited to the outdoor recreation account and designated as ORV moneys to be administered by the interagency committee for outdoor recreation and distributed in accordance with RCW 46.09.240.

(2) On a yearly basis no agency may expend more than thirteen percent of its share of the above amounts for general administration expenses incurred in carrying out the provisions of this chapter, and not more than fifty percent of its share of said amount for education and law enforcement programs related to nonhighway vehicles.

(3) ORV moneys shall be expended only for the acquisition, planning, development, maintenance, and management of off-road vehicle trails and areas; for education and law enforcement programs related to nonhighway vehicles; to construct campgrounds and trailheads which are necessary for the convenient use of designated ORV trails and areas; and to maintain those campgrounds and trailheads specifically constructed with ORV moneys.

Sec. 131. Section 1, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.010 are each amended to read as follows:

As used in this chapter the following words and phrases shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicated:

(1) "Person" shall mean any individual, firm, partnership, association, or corporation.

(2) "Snowmobile" shall mean any self-propelled vehicle capable of traveling over snow or ice, which utilizes as its means of propulsion an endless belt tread, or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, and which is steered wholly or in part by skis or sled type runners, and which is not otherwise registered as, or subject to the motor vehicle excise tax in the state of Washington.

(3) "All terrain vehicle" shall mean any self-propelled vehicle other than a snowmobile, capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, and other natural terrain, including, but not limited to, four-wheel vehicles, amphibious vehicles, ground effect or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind; except any vehicle designed primarily for travel on, over, or in the water, farm vehicles, or any military or law enforcement vehicles.

(4) "Owner" shall mean the person, other than a lienholder, having the property in or title to a snowmobile or all terrain vehicle, and entitled to the use or possession thereof.

(5) "Operator" means each person who operates, or is in physical control of, any snowmobile or all terrain vehicle.

(6) "Public roadway" shall mean the entire width of the right of way of any road or street designed and ordinarily used for travel or parking of motor vehicles, which is controlled by a public authority other than the Washington state (~~highway commission~~) department of transportation, and which is open as a matter of right to the general public for ordinary vehicular traffic.

(7) "Highways" shall mean the entire width of the right of way of all primary and secondary state highways, including all portions of the interstate highway system.

(8) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling snowmobiles or all terrain vehicles at wholesale or retail in this state.

(9) "Department" shall mean the department of (~~motor vehicles~~) licensing.

(10) "Director" shall mean the director of (~~the department of motor vehicles~~) licensing.

(11) "Commission" shall mean the Washington state parks and recreation commission.

(12) "Hunt" shall mean any effort to kill, injure, capture, or disturb a wild animal or wild bird.

Sec. 132. Section 46.12.010, chapter 12, Laws of 1961 as last amended by section 6, chapter 25, Laws of 1975 and RCW 46.12.010 are each amended to read as follows:

It shall be unlawful for any person to operate any vehicle in this state under a certificate of license registration of this state without securing and having in full force and effect a certificate of ownership therefor that contains the name of the registered owner exactly as it appears on the certificate of license registration and it shall further be unlawful for any person to sell or transfer any vehicle without complying with all the provisions of this chapter relating to certificates of ownership and license registration of vehicles: PROVIDED, No certificate of title need be obtained for a vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing and demonstration, or a vehicle used by a manufacturer solely for testing: PROVIDED, That a security interest in a vehicle held as inventory by a manufacturer or dealer shall be perfected in accordance with RCW 62A.9-302(1) and no endorsement on the certificate of title shall be necessary for perfection: AND PROVIDED FURTHER, That nothing in this title shall be construed to prevent any person entitled thereto from securing a certificate of ownership upon a vehicle other than a travel trailer or camper without securing a certificate of license registration and vehicle license plates, when, in the judgment of the director of ~~((motor vehicles))~~ licensing, it is proper to do so.

Sec. 133. Section 13, chapter 231, Laws of 1971 ex. sess. and RCW 46-12.105 are each amended to read as follows:

When the ownership of a mobile home is transferred and the new owner thereof applies for a new certificate of ownership for such mobile home, the director of ~~((motor vehicles))~~ licensing or his agents, including county auditors, shall notify the county assessor of the county where such mobile home is located of the change in ownership including the name and address of the new owner and the name of the former owner.

Sec. 134. Section 46.12.200, chapter 12, Laws of 1961 as amended by section 11, chapter 32, Laws of 1967 and RCW 46.12.200 are each amended to read as follows:

No suit or action shall ever be commenced or prosecuted against the director of ~~((motor vehicles))~~ licensing or the state of Washington by reason of any act done or omitted to be done in the administration of the duties and responsibilities imposed upon the director under this chapter.

Sec. 135. Section 2, chapter 125, Laws of 1969 ex. sess. and RCW 46-12.260 are each amended to read as follows:

It shall be unlawful for any person to convey, sell or transfer the ownership of any motor vehicle to any person under the age of eighteen: PROVIDED, That this section shall not apply to a vendor if the minor provides the vendor with a certified copy of an original birth registration showing the

minor to be over eighteen years of age. Such certified copy shall be transmitted to the department of ((~~motor vehicles~~)) licensing by the vendor with the application for title to said motor vehicle.

Sec. 136. Section 6, chapter 231, Laws of 1971 ex. sess. and RCW 46-.12.280 are each amended to read as follows:

The provisions of chapter 46.12 RCW concerning the registration and titling of vehicles, and the perfection of security interests therein shall apply to campers, as defined in RCW 46.04.085. In addition, the director of ((~~motor vehicles~~)) licensing shall have the power to adopt such rules and regulations he deems necessary to implement the registration and titling of campers and the perfection of security interests therein.

Sec. 137. Section 14, chapter 231, Laws of 1971 ex. sess. and RCW 46-.12.290 are each amended to read as follows:

The provisions of chapter 46.12 RCW insofar as they are not inconsistent with the provisions of this 1971 amendatory act shall apply to mobile homes regulated by this 1971 amendatory act: PROVIDED, That RCW 46.12.080, 46.12.090, and 46.12.250 through 46.12.270 shall not apply to mobile homes. In addition, the director of ((~~motor vehicles~~)) licensing shall have the power to adopt such rules and regulations as he deems necessary to implement the provisions of chapter 46.12 RCW as they relate to mobile homes.

Sec. 138. Section 6, chapter 91, Laws of 1975-'76 2nd ex. sess. and RCW 46.12.350 are each amended to read as follows:

An identification number shall be assigned to any article impounded pursuant to RCW 46.12.310 in accordance with the rules promulgated by the department of ((~~motor vehicles~~)) licensing prior to:

- (1) The release of the article from the custody of the seizing agency; or
- (2) The use of the article by the seizing agency.

Sec. 139. Section 3, chapter 202, Laws of 1967 and RCW 46.16.025 are each amended to read as follows:

Before any "farm vehicle", as defined in RCW 46.04.181, shall operate on or move along a public highway, there shall be displayed upon it in a conspicuous manner a decal or other device, as may be prescribed by the director of ((~~motor vehicles~~)) licensing and issued by the department of ((~~motor vehicles~~)) licensing, which shall describe in some manner the vehicle and identify it as a vehicle exempt from the licensing requirements of this chapter. Application for such identifying devices shall be made to the department on a form furnished for that purpose by the director. Such application shall be made by the owner or lessee of the vehicle, or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true to the best of his knowledge. The application must show:

- (1) The name and address of the owner of the vehicle;



(2) The trade name of the vehicle, model, year, type of body, the motor number or the identification number thereof if such vehicle be a motor vehicle, or the serial number thereof if such vehicle be a trailer;

(3) The purpose for which said vehicle is to be principally used;

(4) Such other information as shall be required upon such application by the director; and

(5) Place where farm vehicle is principally used or garaged.

A fee of five dollars shall be charged for and submitted with such application for an identification decal as in this section provided as to each farm vehicle which fee shall be deposited in the motor vehicle fund and distributed proportionately as otherwise provided for vehicle license fees under RCW 46.68.030. Only one application need be made as to each such vehicle, and the status as an exempt vehicle shall continue until suspended or revoked for misuse, or when such vehicle no longer is used as a farm vehicle.

Sec. 140. Section 2, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.225 are each amended to read as follows:

Notwithstanding any provision of law to the contrary, the director of ~~((the department of motor vehicles))~~ licensing may extend or diminish vehicle license registration periods for the purpose of staggering renewal periods. Such extension or diminishment of a vehicle license registration period shall be by rule and regulation of the department of ~~((motor vehicles))~~ licensing adopted in accordance with the provisions of chapter 34.04 RCW. Such rules may provide for the omission of any classes or classifications of vehicle from the staggered renewal system and may provide for the gradual introduction of classes or classifications of vehicles into such a system. Such rules and regulations shall provide for the collection of proportionately increased or decreased vehicle license registration fees, including tonnage fees, if applicable, and of excise or property taxes required to be paid at the time of registration.

It is the intent of the legislature that there shall be neither a significant net gain nor loss of revenue to the state general fund or the motor vehicle fund as the result of implementing a staggered vehicle registration system when compared with the revenue generated by the current registration system.

Sec. 141. Section 4, chapter 202, Laws of 1967 and RCW 46.16.460 are each amended to read as follows:

Upon the payment of a fee of ten dollars therefor, the department of ~~((motor vehicles))~~ licensing shall issue a temporary motor vehicle license for a motor vehicle in this state for a period of forty-five days when such motor vehicle has been or is being purchased by a nonresident member of the armed forces of the United States and an application, accompanied with prepayment of required fees, for out of state registration has been made by the purchaser.

Sec. 142. Section 7, chapter 202, Laws of 1967 and RCW 46.16.490 are each amended to read as follows:

The department of (~~(motor vehicles)~~) licensing shall prescribe rules and regulations governing the administration of RCW 46.16.460 through 46.16.490. The department may require that adequate proof of the facts asserted in the application for a temporary license shall be made before the temporary license shall be granted.

Sec. 143. Section 10, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.600 are each amended to read as follows:

The director of (~~(motor vehicles)~~) licensing may establish such rules and regulations as may be necessary to carry out the purposes of RCW 46.16.560 through 46.16.595.

Sec. 144. Section 11, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.605 are each amended to read as follows:

All revenue derived from the fees provided for in RCW 46.16.585 shall be forwarded to the state treasurer accompanied by a proper identifying detailed report and by him deposited to the credit of the state game fund.

Administrative costs incurred by the department of (~~(motor vehicles)~~) licensing as a direct result of (~~(this 1973 amendatory act)~~) RCW 46.16.560 through 46.16.605, 77.12.170 and 77.12.175 shall be appropriated by the legislature from the state game fund from those funds deposited therein resulting from the sale of personalized license plates. If the actual costs incurred by the department of (~~(motor vehicles)~~) licensing are less than that which has been appropriated by the legislature the remainder shall revert to the state game fund.

Sec. 145. Section 4, chapter 1, Laws of 1969 and RCW 46.20.092 are each amended to read as follows:

The director of (~~(the department of motor vehicles)~~) licensing shall furnish every applicant for a driver's license or a driver's license renewal with a written summary of the provisions of RCW 46.20.092, 46.20.308, 46.20.311, 46.20.911, and 46.61.506.

Sec. 146. Section 46.20.100, chapter 12, Laws of 1961 as last amended by section 87, chapter 154, Laws of 1973 1st ex. sess. and RCW 46.20.100 are each amended to read as follows:

The department of (~~(motor vehicles)~~) licensing shall not consider the application of any minor under the age of eighteen years for a driver's license unless:

(1) The application is also signed by the father or mother of the applicant, otherwise by the parent or guardian having the custody of such minor, or in the event a minor under the age of eighteen has no father, mother, or guardian, then a driver's license shall not be issued to the minor unless his application is also signed by his employer; and

(2) The minor has satisfactorily completed a traffic safety education course as defined in RCW 46.81.010, conducted by a recognized secondary school, that meets the standards established by the office of the state superintendent of public instruction or the minor has satisfactorily completed a traffic safety education course, conducted by a commercial driving instruction enterprise, that meets the standards established by the office of the superintendent of public instruction and is officially approved by that office on an annual basis: PROVIDED, HOWEVER, That the director may upon a showing that an individual was unable to take or complete a driver education course waive said requirement if the minor shows to the satisfaction of the department that a need exists for him to operate a motor vehicle and he has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property, under rules to be promulgated by the department in concert with the supervisor of the traffic safety education section, office of the superintendent of public instruction.

Sec. 147. Section 1, chapter 54, Laws of 1975 and RCW 46.20.113 are each amended to read as follows:

The department of (~~motor vehicles~~) licensing shall provide a statement whereby the licensee may certify in the presence of two witnesses his willingness to make an anatomical gift under RCW 68.08.530, as now or hereafter amended. The department shall provide the statement in at least one of the following ways:

- (1) On each driver's license; or
- (2) With each driver's license; or
- (3) With each in-person driver's license application.

Sec. 148. Section 51, chapter 145, Laws of 1967 ex. sess. as last amended by section 1, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.115 are each amended to read as follows:

The department of (~~motor vehicles~~) licensing shall issue a driver's license containing a photograph of the applicant for an additional fee of one dollar. Such fee shall be deposited in the highway safety fund. The department shall not adopt any photographic processes incompatible with its pre-bill system of issuing driver's licenses.

Sec. 149. Section 5, chapter 155, Laws of 1969 ex. sess. and RCW 46.20.118 are each amended to read as follows:

The department shall maintain a negative file. It shall contain negatives of all pictures taken by the department of (~~motor vehicles~~) licensing as authorized by RCW 46.20.115 through 46.20.119. The negative file shall become a part of the driver record file maintained by the department. It shall be available as a reference file to assist official governmental enforcement agencies in the identification of persons suspected of committing crimes.

Sec. 150. Section 46.20.300, chapter 12, Laws of 1961 as amended by section 29, chapter 32, Laws of 1967 and RCW 46.20.300 are each amended to read as follows:

The director of (~~(motor vehicles)~~) licensing may suspend, revoke, or cancel the vehicle driver's license of any resident of this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be ground for the suspension or revocation of the vehicle driver's license. The director may further, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a certified copy of such record to the motor vehicle administrator in the state of which the person so convicted is a resident; such record to consist of a copy of the judgment and sentence in the case.

Sec. 151. Section 1, chapter 1, Laws of 1969 as amended by section 4, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.20.308 are each amended to read as follows:

(1) Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his breath or blood for the purpose of determining the alcoholic content of his blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor. Such officer shall inform the person of his right to refuse the test, and of his right to have additional tests administered by any qualified person of his choosing as provided in RCW 46.61.506. The officer shall warn the driver that his privilege to drive will be revoked or denied if he refuses to submit to the test. Unless the person to be tested is unconscious, the chemical test administered shall be of his breath only: **PROVIDED**, That if an individual is under arrest for the crime of negligent homicide by motor vehicle as provided in RCW 46.61.520, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.506, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested. In such circumstances, the provisions of subsections 2 through 6 of this section shall not apply.

(2) Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have

withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506.

(3) If, following his arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his breath, after being informed that his refusal will result in the revocation or denial of his privilege to drive, no test shall be given. The department of (~~motor vehicles~~) licensing, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the revocation or denial of his privilege to drive, shall revoke his license or permit to drive or any nonresident operating privilege. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

(4) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, or upon determining that the issuance of a license or permit shall be denied to the person, as hereinbefore in this section directed, the department shall immediately notify the person involved in writing by personal service or by registered or certified mail of its decision and the grounds therefor, and of his right to a hearing, specifying the steps he must take to obtain a hearing. The person upon receiving such notice may, in writing and within ten days therefrom request a formal hearing. Upon receipt of such request, the department shall afford him an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The scope of such hearing for the purposes of this section shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation or denial of his privilege to drive. The department shall order that the revocation or determination that there should be a denial of issuance either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: PROVIDED, That this stay shall be effective only so long as there is no conviction for a moving violation during pendency of the hearing and appeal.

(5) If the revocation or determination that there should be a denial of issuance is sustained after such a hearing, the person whose license, privilege or permit is so affected shall have the right to file a petition in the superior court of the county wherein he resides, or, if a nonresident of this state, where the charge arose, to review the final order of revocation or denial by the department in the manner provided in RCW 46.20.334.

(6) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state [in which he has a license.]

Sec. 152. Section 47, chapter 170, Laws of 1965 ex. sess. and RCW 46.20.430 are each amended to read as follows:

Any police officer who has received notice of the suspension or revocation of a driver's license from the department of (~~motor vehicles~~) licensing, may, during the reported period of such suspension or revocation, stop any motor vehicle identified by its vehicle license number as being registered to the person whose driver's license has been suspended or revoked. The driver of such vehicle shall display his driver's license upon request of the police officer.

Sec. 153. Section 50, chapter 145, Laws of 1967 ex. sess. and RCW 46.20.505 are each amended to read as follows:

Every person applying for a special endorsement of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay a motorcycle examination fee which shall not be refundable. The director of (~~motor vehicles~~) licensing shall prescribe the examination fee at an amount equal to the cost of administering such examination but in no event more than four dollars for the initial examination nor more than two dollars for a subsequent renewal examination.

Sec. 154. Section 2, chapter 120, Laws of 1963 as amended by section 36, chapter 32, Laws of 1967 and RCW 46.21.020 are each amended to read as follows:

As used in the compact, the term "licensing authority" with reference to this state, shall mean the department of (~~motor vehicles~~) licensing. Said department shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV, and V of the compact.

Sec. 155. Section 9, chapter 169, Laws of 1963 as amended by section 1, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.090 are each amended to read as follows:

(1) No policy or bond shall be effective under RCW 46.29.080 unless issued by an insurance company or surety company authorized to do business in this state, except as provided in subsection (2) of this section, nor

unless such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than fifteen thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to, or destruction of, property to a limit of not less than five thousand dollars because of injury to or destruction of property of others in any one accident.

(2) No policy or bond shall be effective under RCW 46.29.080 with respect to any vehicle which was not registered in this state or was a vehicle which was registered elsewhere than in this state at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing such policy or bond is authorized to do business in this state, or if said company is not authorized to do business in this state, unless it shall execute a power of attorney authorizing the director of ~~((motor vehicles))~~ licensing to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident.

(3) The department may rely upon the accuracy of the information in a required report of an accident as to the existence of insurance or a bond unless and until the department has reason to believe that the information is erroneous.

Sec. 156. Section 46.32.010, chapter 12, Laws of 1961 as amended by section 48, chapter 32, Laws of 1967 and RCW 46.32.010 are each amended to read as follows:

The chief of the Washington state patrol is hereby empowered to constitute, erect, operate and maintain, throughout the state of Washington, stations for the inspection of vehicle equipment, and to set a date, at a reasonable time subsequent to the installation of such stations, when inspection of vehicles shall commence, and it shall be unlawful for any vehicle to be operated over the public highways of this state unless and until it has been approved periodically as to equipment. The chief of the Washington state patrol shall establish periods of vehicle equipment inspection. In the event of any such inspection, the same shall be in charge of a responsible employee of the chief of the Washington state patrol, who shall be duly authorized as a police officer and who shall have authority to secure and withhold, with written notice to the director of ~~((motor vehicles))~~ licensing, the certificate of license registration and license plates of any vehicle found to be defective in equipment so as to be unsafe or unfit to be operated upon the highways of this state, and it shall be unlawful for any person to operate such vehicle unless and until the same has been placed in a condition satisfactory to subsequent equipment inspection; the police officer in charge of such vehicle equipment inspection station shall grant to the operator of such defective

vehicle the privilege to move such vehicle to a place for repair under such restrictions as may be reasonably necessary.

In the event any insignia, sticker or other marker should be adopted to be displayed upon vehicles in connection with the inspection of vehicle equipment, the same shall be displayed as required by the rules and regulations of the chief of the Washington state patrol and it shall be a gross misdemeanor for any person to mutilate, destroy, remove or otherwise interfere with the display thereof.

Any person who refuses to have his motor vehicle examined, or, after having had it examined, refuses to place a certificate of approval, or a certificate of condemnation, if issued, upon his windshield, or who fraudulently obtains a certificate of approval, or who refuses to place his motor vehicle in proper condition after having had the same examined, or who, in any manner, fails to conform to the provisions of this chapter, shall be guilty of a gross misdemeanor.

Any person who performs false or improvised repairs, or repairs in any manner not in accordance with acceptable and customary repair practices, upon a motor vehicle, shall be guilty of a gross misdemeanor.

Sec. 157. Section 46.37.430, chapter 12, Laws of 1961 as amended by section 47, chapter 281, Laws of 1969 ex. sess. and RCW 46.37.430 are each amended to read as follows:

(1) On and after January 1, 1938, no person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered thereafter unless such vehicle is equipped with safety glazing material of a type approved by the state commission on equipment wherever glazing material is used in doors, windows and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material shall apply to all glazing material used in doors, windows and windshields in the drivers' compartments of such vehicles except as provided by paragraph (4).

(2) The term "safety glazing materials" means glazing materials so constructed, treated or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) The state commission on equipment shall compile and publish a list of types of glazing material by name approved by it as meeting the requirements of this section and the director of ~~((motor vehicles))~~ licensing shall not register after January 1, 1938, any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and he shall thereafter suspend the registration of any motor vehicle so subject to this section which he finds is not so equipped until it is made to conform to the requirements of this section.



(4) No person shall sell or offer for sale, nor shall any person operate a motor vehicle registered in this state which is equipped with, any camper manufactured after May 23, 1969, unless such camper is equipped with safety glazing material of a type approved by the state commission on equipment wherever glazing materials are used in outside windows and doors.

(5) No tinting or coloring material of any kind, which reduces light transmittance to any degree, shall be applied to the surface of the safety glazing material in a motor vehicle in any of the following locations:

(a) Windshields,

(b) Windows to the immediate right and left of the driver including windwings or,

(c) Rearmost windows if used for driving visibility by means of an interior rear-view mirror.

Nothing in this subsection shall prohibit the use of shaded or heat-absorbing safety glazing material in which the shading or heat-absorbing characteristics have been applied at the time of manufacture of the safety glazing material and which meet the standards of the state commission on equipment for such safety glazing materials.

(6) The standards used for approval of safety glazing materials by the state commission on equipment shall conform as closely as possible to the standards for safety glazing materials for motor vehicles promulgated by the United States of America Standards Institute in effect at the time of manufacture of the safety glazing material.

Sec. 158. Section 51, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.529 are each amended to read as follows:

(1) The state commission on equipment is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which it finds will not comply with the performance ability standard set forth in RCW 46.37.351, or which in its opinion is equipped with a braking system that is not so designed or constructed as to ensure reasonable and reliable performance in actual use.

(2) The director of (~~motor vehicles~~) licensing may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when the state commission on equipment determines that the braking system thereon does not comply with the provisions of this section.

(3) No person shall operate on any highway any vehicle referred to in this section in the event the state commission on equipment has disapproved the braking system upon such vehicle.

Sec. 159. Section 46.44.095, chapter 12, Laws of 1961 as last amended by section 33, chapter 151, Laws of 1977 ex. sess. and RCW 46.44.095 are each amended to read as follows:

Until December 31, 1976, a combination of vehicles lawfully licensed to a total gross weight of seventy-two thousand pounds, and a three or more

axle single unit vehicle lawfully licensed to a total gross weight of forty thousand pounds, and on January 1, 1977, and thereafter, when a combination of vehicles has been lawfully licensed to a total gross weight of eighty thousand pounds and when a three or more axle single unit vehicle has been lawfully licensed to a total gross weight of forty thousand pounds pursuant to provisions of RCW 46.44.041, a permit for additional gross weight may be issued by the department of transportation upon the payment of thirty-seven dollars and fifty cents per year for each one thousand pounds or fraction thereof of such additional gross weight: **PROVIDED**, That the tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds, and the gross load on any group of axles shall not exceed the limits set forth in RCW 46.44.041: **PROVIDED FURTHER**, That an additional two thousand pounds may be purchased for an amount not to exceed thirty dollars per thousand for the rear axle of a two-axle garbage truck. Such additional weight shall not be valid or permitted on any part of the federal interstate highway system where the maximum single axle load shall not exceed twenty thousand pounds.

The annual additional tonnage permits provided for in this section shall be issued upon such terms and conditions as may be prescribed by the department pursuant to general rules adopted by the transportation commission. Such permits shall entitle the permittee to carry such additional load in such an amount and upon such highways or sections of highways as may be determined by the department of transportation to be capable of withstanding such increased gross load without undue injury to the highway: **PROVIDED**, That the permits shall not be valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

The annual additional tonnage permits provided for in this section shall commence on the first of January of each year. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one-twelfth of the full fee multiplied by the number of months, including any fraction thereof, covered by the permit. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit from one vehicle to another a fee of five dollars shall be charged for each such duplicate issued or each such transfer. The department of transportation shall issue such permits on a temporary basis for periods not less than five days at one dollar per day for each two thousands pounds or fraction thereof.

The fees levied in RCW 46.44.0941 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state or any city or town or metropolitan municipal corporation within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.85 RCW the fees provided for in this section shall be computed by the department of transportation by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.85 RCW to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The department of transportation shall prorate the fees provided in this section only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of ~~((motor vehicles))~~ licensing. Listings furnished shall also include the percentage of mileage operated in Washington which shall be the same percentage as determined by the department of ~~((motor vehicles))~~ licensing, for purposes of prorating license fees.

Sec. 160. Section 2, chapter 11 (HB 345), Laws of 1979 and RCW 46.52.030 are each amended to read as follows:

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent of three hundred dollars or more, shall, within twenty-four hours after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns, the original of such report shall be immediately forwarded by the authority receiving such report to the chief of the Washington state patrol at Olympia, Washington, and the second copy of such report to be forwarded to the department of ~~((motor vehicles))~~ licensing at Olympia, Washington. The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in his opinion is insufficient and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff, and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, and the persons and vehicles involved, personal injury or death, if any, the amounts of property damage claimed, the total number of vehicles involved, whether the vehicles were legally parked, legally standing, or moving, and whether such vehicles were occupied at the time of the accident. Every required accident report shall be made on a form prescribed by the chief of

the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person.

Sec. 161. Section 46.52.060, chapter 12, Laws of 1961 as last amended by section 67, chapter 75, Laws of 1977 and RCW 46.52.060 are each amended to read as follows:

It shall be the duty of the chief of the Washington state patrol to file, tabulate, and analyze all accident reports and to publish annually, immediately following the close of each fiscal year, and monthly during the course of the year, statistical information based thereon showing the number of accidents, the location, the frequency and circumstances thereof and other statistical information which may prove of assistance in determining the cause of vehicular accidents.

Such accident reports and analysis or reports thereof shall be available to the director of (~~(motor vehicles)~~) licensing, the (~~(highway commission)~~) department of transportation, the utilities and transportation commission, or their duly authorized representatives, for further tabulation and analysis for pertinent data relating to the regulation of highway traffic, highway construction, vehicle operators and all other purposes, and to publish information so derived as may be deemed of publication value.

Sec. 162. Section 46.52.080, chapter 12, Laws of 1961 as last amended by section 15, chapter 62, Laws of 1975 and RCW 46.52.080 are each amended to read as follows:

All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the county prosecuting attorney and chief of police or county sheriff, as the case may be, and the director of (~~(motor vehicles)~~) licensing and the chief of the Washington state patrol, and other officer or commission as authorized by law, except that any such officer shall disclose the names and addresses of persons reported as involved in an accident or as witnesses thereto, the vehicle license plate numbers and descriptions of vehicles involved, and the date, time and location of an accident, to any person who may have a proper interest therein, including the driver or drivers involved, or the legal guardian thereof, the parent of a minor driver, any person injured therein, the owner of vehicles or property damaged thereby, or any authorized representative of such an interested party, or the attorney or insurer thereof. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above named for receiving accident reports shall furnish, upon demand of any person who has, or who claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the

chief of the Washington state patrol solely to prove a compliance or a failure to comply with the requirement that such a report be made in the manner required by law: PROVIDED, That the reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of RCW 46.52.088.

Sec. 163. Section 46.52.100, chapter 12, Laws of 1961 as amended by section 60, chapter 32, Laws of 1967 and RCW 46.52.100 are each amended to read as follows:

Every justice of the peace, police judge and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented to said justice of the peace, police judge, superior court or a traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every said traffic complaint or citation deposited with or presented to the justice of the peace, police judge, superior court or traffic violations bureau.

The Monday following the conviction or forfeiture of bail of a person upon a charge of violating any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had or bail was forfeited shall prepare and immediately forward to the director of (~~(motor vehicles)~~) licensing at Olympia an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any conviction involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of his driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at his office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all justice courts shall be before one of the two nearest justices of the peace in incorporated cities and towns nearest to the point the violation allegedly occurred: PROVIDED, That in counties of class A and of the first class such cases may be tried in the county seat at the request of the defendant.

It shall be the duty of the officer, prosecuting attorney or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any narcotic drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.

If a driver has a record of two or more convictions or forfeitures of the offense of operating a vehicle under the influence of or affected by the use of intoxicating liquor or any narcotic drug within a five year period, he shall, upon conviction, be fined not less than one hundred dollars and not more than one thousand dollars, and shall be sentenced to not less than thirty days and not more than one year in the county jail and neither fine nor sentence shall be suspended; and the court shall revoke the driver's license.

If the driver at the time of the offense charged was without a driver's license because of a previous suspension or revocation, the minimum mandatory jail sentence and fine shall be ninety days in the county jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.

Sec. 164. Section 39, chapter 281, Laws of 1969 ex. sess. and RCW 46-.52.104 are each amended to read as follows:

A registered owner transferring a motor vehicle shall be relieved from personal liability under RCW 46.52.106, 46.52.111, 46.52.112 and 46.52-.117 if within five days of the transfer he transmits to the department of ((motor vehicles)) licensing, on a form prescribed by the director of ((motor vehicles)) licensing, notice that he has transferred his interest in the vehicle, the name of the transferee, and the date on which the transaction was made.

Sec. 165. Section 5; chapter 42, Laws of 1969 ex. sess. as amended by section 44, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.108 are each amended to read as follows:

The director of ((the department of motor vehicles)) licensing may appoint any tow truck operator engaged in removing and storing of abandoned motor vehicles for the purpose of disposing of certain abandoned vehicles and automobile hulks. Each such appointment shall be contingent upon the submission of an application to the director and the making of subsequent reports in such form and frequency as may be required by rule and regulation and upon the posting of a surety bond in the amount of three thousand dollars to ensure compliance with RCW 46.52.111 and to compensate the owner of any vehicle that has been unlawfully sold as a result of any negligence or misconduct of the tow truck operator.

Any appointment may be canceled by the director upon evidence that the appointed tow truck operator is not complying with all laws, rules and regulations relative to the handling and disposition of abandoned motor vehicles.

Any tow truck operator under contract to a city or county for the impounding of vehicles shall comply with such administrative regulations relative to the handling and disposing of vehicles as may be promulgated by such city or county and as hereinafter set forth.

Sec. 166. Section 46.52.110, chapter 12, Laws of 1961 as last amended by section 6, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.110 are each amended to read as follows:

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of every incorporated city and town of this state, constables and members of the Washington state patrol to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, the person so reporting the same as stolen shall be guilty of a misdemeanor unless he shall report the recovery thereof to the sheriff, chief of police, or other chief police officer to whom such motor vehicle was reported as stolen.

Upon receipt of such information the chief of the Washington state patrol shall file the same in a "stolen vehicle index". He shall also file any reports of vehicles stolen in other states and reported to him as such. It shall be the duty of the chief of the Washington state patrol to keep a file record of all vehicles reported to him as recovered.

The chief of the Washington state patrol shall publish at least once a month a list of all vehicles reported as stolen and not reported as having been recovered and all abandoned vehicles and forward a copy of such list to every sheriff in this state, the chief of police or chief police officer of every incorporated city and town with a population in excess of three thousand inhabitants, each member of the Washington state patrol and the cognizant state officer of each state in the United States.

Such information shall be provided by the chief of the Washington state patrol for the use of the director of (~~motor vehicles~~) licensing as will permit the director to check the motor or serial number set forth in any application for certificate of ownership or certificate of license registration against such "stolen vehicle index" and no such certificates shall be issued upon any vehicle recorded as stolen and the director shall immediately inform the chief of the Washington state patrol of any application upon any such vehicle.

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of each incorporated city and town, members of the

Washington state patrol and constables to report to the chief of the Washington state patrol all vehicles or automobile hulks found abandoned on a public highway or at any other place and the same shall thereafter, at the direction of such law enforcement officer, be placed in the custody of a tow truck operator.

Sec. 167. Section 7, chapter 42, Laws of 1969 ex. sess. as amended by section 41, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.111 are each amended to read as follows:

Such tow truck operator shall take custody of such abandoned vehicle or automobile hulk, remove the same to the established place of business of the tow truck operator where the same shall be stored, and such tow truck operator shall have a lien upon such vehicle or hulk for services provided in the towing and storage of the same, and shall also have a claim against the last registered owner of such vehicle or hulk for services provided in the towing and storage of the same, not to exceed the sum of one hundred dollars. A registered owner who has complied with RCW 46.52.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section.

Within five days after receiving custody of such abandoned vehicle or automobile hulk, the tow truck operator shall give notice of his custody to the department of ((~~motor vehicles~~)) licensing and the chief of the Washington state patrol and within five days after having received the name and address of the owner, he shall notify the registered and legal owner of the same with copies of such notice being sent to the chief of the Washington state patrol and to the department of ((~~motor vehicles~~)) licensing. The notice to the registered and legal owner shall be sent by the tow truck operator to the last known address of said owner appearing on the records of the department of ((~~motor vehicles~~)) licensing, and such notice shall be sent to the registered and legal owner by certified or registered mail with a five-day return receipt requested. Such notice shall contain a description of the vehicle or hulk including its license number and/or motor number if obtainable, and shall state the amount due the tow truck operator for services in the towing and storage of the same and the time and place of public sale if the amount remains unpaid.

The department of ((~~motor vehicles~~)) licensing shall supply the last known names and addresses of registered and legal owners of abandoned vehicles or automobile hulks appearing on the records of the department to tow truck operators on request without charge.

Sec. 168. Section 8, chapter 42, Laws of 1969 ex. sess. as amended by section 42, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.112 are each amended to read as follows:

If, after the expiration of fifteen days from the date of mailing of notice to the registered and legal owner, the vehicle or automobile hulk remains unclaimed and has not been listed as a stolen or recovered vehicle, then the



tow truck operator having custody of such vehicle or hulk shall conduct a sale of the same at public auction after having first published a notice of the date, place and time of such auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days before the date of such auction.

Such abandoned vehicle or automobile hulk shall be sold at such auction to the highest bidder. The proceeds of such sale, after deducting the towing and storage charges due the tow truck operator, including the cost of sale, which shall be computed as in a public auction sale of personal property by the sheriff, shall be certified one-half to the county treasurer of the county in which the vehicle is located to be credited to the county current expense fund, and one-half to the state treasurer to be credited to the highway safety fund. If the amount bid at the auction is insufficient to compensate the tow truck operator for his towing and storage charges and the cost of sale, such tow truck operator shall be entitled to assert a claim for any deficiency, not to exceed one hundred dollars less the amount bid at the auction, against the last registered owner of such vehicle or automobile hulk. A registered owner who has complied with RCW 46.52.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section.

After the public auction and sale of any abandoned vehicle or automobile hulk as in this section provided, and after an application for certificate of title accompanied by applicable fees and taxes and supported by an appropriate affidavit reciting compliance with the procedures of this chapter has been submitted, the director of (~~the department of motor vehicles~~) licensing shall issue a certificate of title showing ownership of the vehicle or automobile hulk in the name of the successful bidder at such auction. The issuance of such certificate of title by the director of (~~the department of motor vehicles~~) licensing shall terminate any and all rights or claims of prior lienholders and all rights of former owners in and to such vehicle or automobile hulk.

The director of (~~the department of motor vehicles~~) licensing shall establish such additional administrative rules and regulations, not inconsistent with the provisions of this chapter, as may be necessary to facilitate the disposition of abandoned vehicles and automobile hulks in those instances where the ownership of such a vehicle or hulk is not known.

Sec. 169. Section 9, chapter 42, Laws of 1969 ex. sess. and RCW 46-.52.113 are each amended to read as follows:

Any vehicle left in a garage for storage more than five days where the same has not been left by the registered owner under a contract of storage and has not during such period been removed by a person leaving the same shall be an abandoned vehicle and notice shall be given to the registered and legal owner and to the chief of the Washington state patrol and to the department of (~~motor vehicles~~) licensing of the existence of such abandoned

vehicle. Any garage keeper failing to report such fact to the chief of the Washington state patrol and the department of (~~motor vehicles~~) licensing within ten days after the commencement of such storage shall forfeit any claim for the storage of such vehicle. All such vehicles considered abandoned by being left in a garage shall be disposed of by the garage keeper in accordance with the procedure prescribed in RCW 46.52.111 and 46.52.112.

Except for the forfeiture of claim for storage as set forth herein for failure to report vehicles left in excess of five days, nothing in this section shall be construed to impair any lien for storage accruing to a garage keeper under other law of this state.

Sec. 170. Section 2, chapter 42, Laws of 1969 ex. sess. as amended by section 45, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.115 are each amended to read as follows:

The director of (~~the department of motor vehicles~~) licensing, in cooperation with the chief of the Washington state patrol and other law enforcement agencies throughout this state, after appropriate notice and hearing, shall establish from time to time rules and regulations for the disposition of abandoned vehicles and abandoned automobile hulks not inconsistent with the provisions of this chapter.

Sec. 171. Section 11, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.116 are each amended to read as follows:

A city or county may adopt an ordinance or resolution establishing procedures for the disposition of abandoned vehicles. Any vehicle impounded pursuant to an ordinance or resolution of any city or county and left unclaimed for a period of fifteen days shall be deemed to be an abandoned vehicle, and at the expiration of such period said vehicle shall be deemed to be in the custody of the sheriff of the county where said vehicle is located and the sheriff of the county shall deliver the vehicle to a tow truck operator who shall dispose of such vehicle in the manner provided in RCW 46.52.111 and 46.52.112: PROVIDED, That if the vehicle is of a model year ten or more years prior to the calendar year in which such vehicle is stored, the sheriff may be authorized to declare that such vehicle is a public nuisance, and may dispose of such vehicle without notice of sale, and in such case, the director of (~~motor vehicles~~) licensing shall issue an appropriate bill of sale to the tow truck operator to dispose of the vehicle as he may determine.

Sec. 172. Section 12, chapter 42, Laws of 1969 ex. sess. as amended by section 43, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.117 are each amended to read as follows:

Notwithstanding any other provision of law, a city, town, or county may adopt an ordinance establishing procedures for the abatement and removal

as public nuisances of abandoned, wrecked, dismantled, or inoperative vehicles or automobile hulks or parts thereof from private property not including highways. Costs of removal may be assessed against the last registered owner of the vehicle or automobile hulk if the identity of such owner can be determined, unless such owner in the transfer of ownership of such vehicle or automobile hulk has complied with RCW 46.52.104, or the costs may be assessed against the owner of the property on which the vehicle is stored.

Such ordinance shall contain:

(1) A provision requiring notice to the last registered owner of record and the property owner of record that a public hearing may be requested before the governing body of the city, town or county as designated by the governing body, and that if no hearing is requested, the vehicle or automobile hulk will be removed.

(2) A provision requiring that if a request for a hearing is received, a notice giving the time, location and date of such hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified or registered mail, with a five-day return requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership.

(3) A provision that the ordinance shall not apply to (a) a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (b) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, fenced according to the provisions of RCW 46.80.130.

(4) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such cost from the owner.

(5) A provision that after notice has been given of the intent of the city, town or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof, shall be removed, at the request of a law enforcement officer, and disposed of to a licensed auto wrecker with notice to the Washington state patrol and the department of (~~motor vehicles~~) licensing that the vehicle has been wrecked. The city, town or county may operate such a disposal site when its governing body determines that

commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

Sec. 173. Section 3, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1192 are each amended to read as follows:

No person shall have the right to tow, remove, impound or otherwise disturb any motor vehicle other than an abandoned vehicle as defined in RCW 46.52.102, which may be parked, stalled or otherwise left on private property, other than family residential property, owned or controlled by such person, unless there is posted on or near the property in a clearly conspicuous location a sign or notice in compliance with rules and regulations of the director of ~~((the department of motor vehicles))~~ licensing providing for, without limitation, specifications for signs and posting thereof by persons intending to have unauthorized vehicles removed from property other than family residential property. Such regulations shall provide for notification to any person of the intent of the property holder to remove any unauthorized vehicles and sufficient information to assist in the prompt recovery of any vehicle removed. Such regulations shall require as a minimum that the language on any such sign provide:

- (1) Notice that unauthorized vehicles will be removed;
- (2) The name, telephone number and location of the towing firm authorized to remove vehicles.

Sec. 174. Section 2, chapter 111, Laws of 1971 ex. sess. and RCW 46.52.150 are each amended to read as follows:

Notwithstanding any other provision of law, any law enforcement officer having jurisdiction or any person authorized by the director of ~~((motor vehicles))~~ licensing shall inspect and may authorize the disposal of an abandoned junk motor vehicle. The officer or authorized person shall record the make of such motor vehicle, the serial number if available, and shall also detail the damage or missing equipment to substantiate the value at fifty dollars or less.

Any moneys arising from the disposal of abandoned junk motor vehicle shall be deposited in the county general fund.

Sec. 175. Section 23, chapter 121, Laws of 1965 ex. sess. as amended by section 71, chapter 32, Laws of 1967 and RCW 46.64.025 are each amended to read as follows:

Whenever any person has for a period of fifteen or more days violated his written promise to appear in court, the court in which the defendant so promised to appear shall forthwith give notice of such fact to the department of ~~((motor vehicles))~~ licensing. Whenever thereafter the case in which such promise was given is adjudicated the court hearing the case shall file

with the department a certificate showing that the case has been adjudicated.

*\*Sec. 176. Section 4, chapter 284, Laws of 1971 ex. sess. and RCW 46-.65.020 are each amended to read as follows:*

*As used in this chapter, unless a different meaning is plainly required by the context, an habitual offender shall mean any person, resident or nonresident, who has accumulated convictions or, if a minor, shall have violations recorded with the department of ~~((motor vehicles))~~ licensing, or forfeited bail for separate and distinct offenses as described in either subsection (1) or (2) below committed within a five year period, as evidenced by the records maintained in the department of ~~((motor vehicles))~~ licensing: PROVIDED, That where more than one described offense shall be committed within a six-hour period such multiple offenses shall, on the first such occasion, be treated as one offense for the purposes of this chapter:*

*(1) Three or more convictions, singularly or in combination, of the following offenses:*

*(a) Negligent homicide as defined in RCW 46.61.520; or*

*(b) Driving or operating a motor vehicle while under the influence of intoxicants or drugs; or*

*(c) Driving a motor vehicle while his license, permit, or privilege to drive has been suspended or revoked; or*

*(d) Failure of the driver of any vehicle involved in an accident resulting in the injury or death of any person to immediately stop such vehicle at the scene of such accident or as close thereto as possible and to forthwith return to and in every event remain at, the scene of such accident until he has fulfilled the requirements of RCW 46.52.020.*

*(2) Twenty or more convictions or bail forfeitures for separate and distinct offenses, singularly or in combination, in the operation of a motor vehicle which are required to be reported to the department of ~~((motor vehicles))~~ licensing. Such convictions or bail forfeitures shall include those for offenses enumerated in subsection (1) above when taken with and added to those offenses described herein but shall not include convictions or forfeitures for any nonmoving violation.*

*The offenses included in subsections (1) and (2) hereof shall be deemed to include offenses under any valid town, city, or county ordinance substantially conforming to the provisions cited in said subsections (1) and (2) or amendments thereto, and any federal law, or any law of another state, including subdivisions thereof, substantially conforming to the aforesaid state statutory provisions.*

*\*Sec. 176. was vetoed, see message at end of chapter.*

*\*Sec. 177. Section 5, chapter 284, Laws of 1971 ex. sess. and RCW 46-.65.030 are each amended to read as follows:*

*The director of ~~((the department of motor vehicles))~~ licensing shall certify three transcripts or abstracts of the conviction record as maintained by the*

department of ~~((motor vehicles))~~ licensing of any person whose record brings him within the definition of an habitual offender, as defined in RCW 46.65-.020, to the prosecuting attorney of the county in which such person resides according to the records of the department or to the attorney general of the state of Washington if such person is not a resident of this state. Such transcript or abstract may be admitted as evidence and shall be prima facie evidence that the person named therein was duly convicted by the court wherein such conviction or holding was made of each offense shown by such transcript or abstract; and if such person shall deny any of the facts as stated therein, he shall have the burden of proving that such fact is untrue.

\*Sec. 177. was vetoed, see message at end of chapter.

\*Sec. 178. Section 7, chapter 284, Laws of 1971 ex. sess. and RCW 46-.65.050 are each amended to read as follows:

The court in which such complaint is filed shall enter an order, which incorporates the aforesaid transcript or abstract and is directed to the person named therein, to show cause why he should not be barred as an habitual offender from operating a motor vehicle on the highways of this state. A copy of the show cause order and such transcript or abstract shall be served on the person named therein in the manner prescribed by law for the service of process under chapter 4.28 RCW. Service thereof on any nonresident of the state may be made by the director of ~~((the department of motor vehicles))~~ licensing in the same manner as service of process on a nonresident motor vehicle operator under the provisions of RCW 46.64.040.

\*Sec. 178. was vetoed, see message at end of chapter.

\*Sec. 179. Section 8, chapter 284, Laws of 1971 ex. sess. as amended by section 1, chapter 83, Laws of 1973 1st ex. sess. and RCW 46.65.060 are each amended to read as follows:

If the court finds that such person is not the same person named in the aforesaid transcript or abstract or that he is not an habitual offender under this chapter, the proceeding shall be dismissed but if the court finds that such person is the same person named in the aforesaid transcript or abstract and that such person is an habitual offender, the court shall so find and by appropriate order direct such person not to operate a motor vehicle on the highways of the state of Washington and to surrender to the court all licenses or permits to operate a motor vehicle on the highways of this state for disposal. The clerk of the court shall file with the department of ~~((motor vehicles))~~ licensing a copy of such order which shall become a part of the permanent records of the department. Upon receipt of the court order finding such person to be an habitual offender the department of ~~((motor vehicles))~~ licensing shall revoke the operator's license for a period of five years: **PROVIDED**, That a judge may stay the effective date of the order declaring the person to be a habitual traffic offender if he finds that the traffic offenses upon which it is based were caused by or are the result of the alcoholism of the person, as defined in RCW 70.96A.020, as now or hereafter amended and

*that since his last offense he has undertaken and followed a course of treatment for alcoholism on a program approved by the department of social and health services; notice of such stay shall be entered on the copy of the order filed with the department of ~~((motor vehicles))~~ licensing. Said stay shall continue as long as there is no further conviction for any of the offenses listed in RCW 46.65.020(1). Upon a subsequent conviction for any offense listed in RCW 46.65.020(1), the stay shall be removed and the department of ~~((motor vehicles))~~ licensing shall revoke the operator's license for a period of five years.*

*\*Sec. 179. was vetoed, see message at end of chapter.*

*\*Sec. 180. Section 9, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.070 are each amended to read as follows:*

*No license to operate motor vehicles in Washington shall be issued to an habitual offender (1) for a period of five years from the date of the order of the court finding such person to be an habitual offender, and (2) until the privilege of such person to operate a motor vehicle in this state has been restored by the department of ~~((motor vehicles))~~ licensing as hereinafter in this chapter provided.*

*\*Sec. 180. was vetoed, see message at end of chapter.*

*Sec. 181. Section 10, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.080 are each amended to read as follows:*

*At the end of two years, the habitual offender may petition the department of ~~((motor vehicles))~~ licensing for the return of his operator's license and upon good and sufficient showing, the department of ~~((motor vehicles))~~ licensing may, wholly or conditionally, reinstate the privilege of such person to operate a motor vehicle in this state.*

*Sec. 182. Section 12, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.100 are each amended to read as follows:*

*At the expiration of five years from the date of any final order finding a person to be an habitual offender and directing him not to operate a motor vehicle in this state, such person may petition the department of ~~((motor vehicles))~~ licensing for restoration of his privilege to operate a motor vehicle in this state. Upon receipt of such petition, and for good cause shown, the department of ~~((motor vehicles))~~ licensing shall restore to such person the privilege to operate a motor vehicle in this state upon such terms and conditions as the department of ~~((motor vehicles))~~ licensing may prescribe, subject to the provisions of chapter 46.29 RCW and such other provisions of law relating to the issuance or revocation of operators' licenses.*

*\*Sec. 183. Section 46.68.010, chapter 12, Laws of 1961 as amended by section 73, chapter 32, Laws of 1967 and RCW 46.68.010 are each amended to read as follows:*

*Whenever any license fee, paid under the provisions of this title, shall have been erroneously paid, wholly or in part, the person paying the same,*

*upon satisfactory proof to the director of ~~((motor-vehicles))~~ licensing, shall be entitled to have refunded the amount so erroneously paid. Upon such refund being certified to the state treasurer by the director as correct and being claimed in the time required by law the state treasurer shall mail or deliver the amount of each refund to the person entitled thereto: PROVIDED, That no claim for refund shall be allowed for such erroneous payments unless filed with the director within thirteen months after such claimed erroneous payment was made.*

**\*Sec. 183. was vetoed, see message at end of chapter.**

Sec. 184. Section 46.68.090, chapter 12, Laws of 1961 as last amended by section 8, chapter 317, Laws of 1977 ex. sess. and RCW 46.68.090 are each amended to read as follows:

All moneys which have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for the following purposes:

(1) For payment of refunds of motor vehicle fuel tax and special fuel tax which has been paid and is refundable as provided by law;

(2) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of ~~((motor-vehicles))~~ licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, said sums to be distributed monthly.

The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and the special fuel tax and remaining after payments as provided in subsections (1) and (2) above shall, for the purposes of this chapter, be referred to as the "net tax amount".

Sec. 185. Section 46.68.120, chapter 12, Laws of 1961 as last amended by section 42, chapter 151, Laws of 1977 ex. sess. and RCW 46.68.120 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums accrue and set aside for the use of the department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the transportation commission has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) The balance remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, upon the basis of the following formula:



(a) Ten percent of such sum shall be divided equally among the several counties.

(b) Thirty percent shall be paid to each county in direct proportion that the sum of the total number of private automobiles and trucks licensed by registered owners residing in unincorporated areas and seven percent of the number of private automobiles and trucks licensed by registered owners residing in incorporated areas within each county bears to the total of such sums for all counties. The number of registered vehicles so used shall be as certified by the director of (~~the department of motor vehicles~~) licensing for the year next preceding the date of calculation of the allocation amounts. The director of (~~the department~~) licensing shall first supply such information not later than the fifteenth day of February, 1956, and on the fifteenth of February each two years thereafter.

(c) Thirty percent shall be paid to each county in direct proportion that the product of the county's trunk highway mileage and its prorated estimated annual cost per trunk mile as provided in subsection (e) is to the sum of such products for all counties. County trunk highways are defined as county roads regularly used by school buses and/or rural free delivery mail carriers of the United States post office department, but not foot carriers. Determination of the number of miles of county roads used in each county by school buses shall be based solely upon information supplied by the superintendent of public instruction who shall on October 1, 1955, and on October 1st of each odd-numbered year thereafter furnish the transportation commission with a map of each county upon which is indicated the county roads used by school buses at the close of the preceding school year, together with a detailed statement showing the total number of miles of county highway over which school buses operated in each county during such year. Determination of the number of miles of county roads used in each county by rural mail carriers on routes serviced by vehicles during the year shall be based solely upon information supplied by the United States postal department as of January 1st of the even-numbered years.

(d) Thirty percent of such sum shall be paid to each of the several counties in the direct proportion that the product of the trunk highway mileage of the county and its "money need factor" as defined in subsection (f) is to the total of such products for all counties.

(e) Every four years, beginning with the 1958 allocation, the transportation commission and the legislative transportation committee shall reexamine or cause to be reexamined all the factors on which the estimated annual costs per trunk mile for the several counties have been based and shall make such adjustments as may be necessary. The following formula shall be used: One twenty-fifth of the estimated total county road replacement cost, plus the total annual maintenance cost, divided by the total miles of county road in such county, and multiplied by the result obtained from dividing the total miles of county road in said county by the total trunk road

mileage in said county. For the purpose of allocating funds from the motor vehicle fund, a county road shall be defined as one established as such by resolution or order of establishment of the county legislative authority.

(f) The "money need factor" for each of the several counties shall be the difference between the prorated estimated annual costs as provided for in subsection (e) of this subsection and the sum of the following three amounts divided by the county trunk highway mileage:

(1) The equivalent of a two dollar and twenty-five cents per thousand dollars of assessed value tax levy on the valuation, as equalized by the state department of revenue for state purposes, of all taxable property in the county road districts;

(2) One-fourth the sum of all funds received by the county from the federal forest reserve fund during the two calendar years next preceding the date of the adjustment of the allocation amounts as certified by the state treasurer; and

(3) One-half the sum of motor vehicle license fees and motor vehicle fuel tax refunded to the county during the two calendar years next preceding the date of the adjustment of the allocation amounts as provided in RCW 46.68.080. These shall be as supplied to the transportation commission by the state treasurer for that purpose. The department of revenue and the state treasurer shall supply the information herein requested on or before January 1, 1956, and on said date each two years thereafter.

The following formula shall be used for the purpose of obtaining the "money need factor" of the several counties: The prorated estimated annual cost per trunk mile multiplied by the trunk miles will equal the total need of the individual county. The total need minus the sum of the three resources set forth in subsection (f) shall equal the net need. The net need of the individual county divided by the total net needs for all counties shall equal the "money need factor" for that county.

(g) The transportation commission shall adjust the allocations of the several counties on March 1st of every even-numbered year based solely upon the sources of information hereinbefore required: PROVIDED, That the total allocation factor composed of the sum of the four factors defined in subsections (a), (b), (c), and (d) shall be held to a level not more than five percent above or five percent below the total allocation factor in use during the previous two year period.

(h) The transportation commission and the legislative transportation committee shall relog or cause to be relogged the total road mileages upon which the prorated estimated annual costs per trunk mile are based and shall recalculate such costs on the basis of such relogging and shall report their findings and recommendations to the legislature at its next regular session.

(i) The transportation commission and the legislative transportation committee shall study and report their findings and recommendations to the

legislature concerning the following problems as they affect the allocation of "motor vehicle fund" funds to counties:

- (1) Comparative costs per trunk mile based on federal aid contracts versus those herein advocated;
- (2) Average costs per trunk mile;
- (3) The advisability of using either "trunk mileage" or "county road" mileage exclusively as the criterion instead of both as in this plan adopted;
- (4) Reassessment of bridge costs based on current information and re-logging of bridges;
- (5) The items in the list of resources used in determining the "need factor";
- (6) The development of a uniform accounting system for counties with regard to road and bridge construction and maintenance costs;
- (7) A redefinition of rural and urban vehicles which better reflects the use of said vehicles on county roads.

Sec. 186. Section 3, chapter 11 (HB 345), Laws of 1979 and RCW 46-.70.011 are each amended to read as follows:

As used in this chapter:

- (1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.
- (2) "Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46 RCW, Motor Vehicles.
- (3) "Vehicle dealer" means any person, firm, association, corporation or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vehicles, or providing or licensing for use facilities and/or services for compensation of any kind which bring together potential buyers and sellers: **PROVIDED**, That vehicle dealers shall be classified as follows:
  - (a) A "motor vehicle dealer" shall be a vehicle dealer that deals in new and used motor vehicles;
  - (b) A "mobile home and travel trailer dealer" shall be a vehicle dealer that deals in mobile homes or travel trailers, or both;
  - (c) A "miscellaneous vehicle dealer" shall be a vehicle dealer that deals in motorcycles and/or vehicles other than motor vehicles or mobile homes and travel trailers.
- (4) The term "vehicle dealer" does not include:
  - (a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of any court; or

- (b) Public officers while performing their official duties; or
  - (c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or
  - (d) Any person engaged in an isolated sale of a vehicle in which he is the registered or legal owner, or both, thereof; or
  - (e) Any person, firm, association, corporation or trust, engaged in the selling of equipment other than vehicles, used for agricultural or industrial purposes; or
  - (f) A real estate broker licensed under chapter 18.85 RCW, or his authorized representative, who, on behalf of the legal or registered owner of a mobile home, assists with the sale of the mobile home in conjunction with the sale of the real estate upon which the mobile home is located.
- (5) "Vehicle salesman" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.
- (6) The term "department" means the department of (~~motor vehicles~~) licensing which shall administer and enforce the provisions of this chapter.
- (7) "Director" means the director of (~~the department of motor vehicles~~) licensing.
- (8) "Manufacturer" means any person, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new and unused vehicles and shall further include the terms:
- (a) "Distributor" which means any person, firm, association, corporation or trust, resident or nonresident, who in whole or in part offers for sale, sells or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.
  - (b) "Factory branch" which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and shall further include any sales promotion organization, whether the same be a person, firm or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.
  - (c) "Factory representative" which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of his, its, or their vehicles or for supervising or contracting with his, its, or their dealers or prospective dealers.
- (9) "Established place of business" means a permanent, enclosed commercial building located within the state of Washington easily accessible and open to the public, at all reasonable times, with an improved display area of not less than three thousand square feet in or immediately adjoining said building, and at which the business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building code, zoning and other land-use

regulatory ordinances and in which such building the public may contact the vehicle dealer or his vehicle salesman, at all reasonable times and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business at such place. The established place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. A dealer operating a listing service who does not physically maintain any vehicles for display, or a vehicle dealer who merely rents or leases or licenses for use any space on a temporary basis not to exceed two days to private persons to sell their own vehicles, need not operate in a commercial building nor have such a display area.

(10) "Subagency" means any place of business of a vehicle dealer within the same county as the principal place of business of the firm which is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the same county as the principal place of business of the firm under which he does business under a name other than the principal name of the firm, or both.

Sec. 187. Section 6, chapter 74, Laws of 1967 ex. sess. as last amended by section 2, chapter 125, Laws of 1977 ex. sess. and RCW 46.70.041 are each amended to read as follows:

(1) Every application for a vehicle dealer or a vehicle salesman's license shall contain the following information to the extent the same is applicable to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his fingerprints, the honesty, truthfulness, and good reputation of the applicant for license, or of the officers of a corporation making the application;

(b) The applicant's form and place of organization;

(c) The qualification and business history of the applicant, and in the case of a vehicle dealer, any partner, officer or director;

(d) Whether the applicant has been adjudged guilty of a crime which directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, or has suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation or conversion and in the case of a corporation or partnership, all directors, officers or partners;

(e) Any other information the department may reasonably require.

(2) If the applicant is a vehicle dealer:

(a) Name or names of new vehicles the vehicle dealer wishes to sell;

(b) The names and addresses of each manufacturer from whom the applicant has received a franchise;

(c) Whether the applicant intends to sell used vehicles, and if so, whether he has space available for servicing and repairs;

(d) A certificate by the chief of police or his deputy, or a member of the Washington state patrol or a representative of the department (~~(of motor vehicles)~~) that the applicant has an established place of business at each business location in the state of Washington: PROVIDED, That in no event shall such certificate be issued by a member of the Washington state patrol if the dealership is located in a city which has a population in excess of five thousand persons;

(e) A copy of a current service agreement with a manufacturer, or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty to perform or arrange for, within a reasonable distance of his established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty: PROVIDED, That this requirement shall only apply to applicants seeking to sell, to exchange, to offer, to broker, to auction, to solicit or to advertise new or current-model vehicles with factory or distributor warranties;

(f) The class of vehicles the vehicle dealer will be buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising, or for which the dealer will be providing or licensing for use facilities and/or services for compensation of any kind which bring together potential buyers and sellers, and which classification or classifications the dealer wishes to be designated as;

(g) The applicant's financial condition or history including whether the applicant or any partner, officer or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court.

(3) If the applicant is a vehicle salesman, such application shall contain, in addition, a certification by the vehicle dealer for whom he is going to work that he has examined the background of the applicant and to the best of his knowledge is of good moral character;

(4) If the applicant is a manufacturer such application shall contain the following information to the extent it is applicable to the applicant:

(a) The name and address of the principal place of business of the applicant and, if different, the name and address of the Washington state representative of the applicant;

(b) The name or names under which the applicant will do business in the state of Washington;

(c) Evidence that the applicant is authorized to do business in the state of Washington;

(d) The name or names of the vehicles that the licensee manufactures;

(e) The name or names and address or addresses of each and every distributor, factory branch, and factory representative;

(f) The name or names and address or addresses of resident employees or agents to provide service or repairs to vehicles located in the state of

Washington only under the terms of any warranty attached to new or unused vehicles manufactured, unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(g) Any other information the department may reasonably require.

Sec. 188. Section 46.72.020, chapter 12, Laws of 1961 as amended by section 80, chapter 32, Laws of 1967 and RCW 46.72.020 are each amended to read as follows:

No for hire operator shall cause operation of a for hire vehicle upon any highway of this state without first obtaining a permit from the director of (~~motor vehicles~~) licensing. Application for a permit shall be made on forms provided by the director and shall include (1) the name and address of the owner or owners, and if a corporation, the names and addresses of the principal officers thereof; (2) city, town or locality in which any vehicle will be operated; (3) name and motor number of any vehicle to be operated; (4) the endorsement of a city official authorizing an operator under a law or ordinance requiring a license; and (5) such other information as the director may require.

Sec. 189. Section 46.76.020, chapter 12, Laws of 1961 as amended by section 91, chapter 32, Laws of 1967 and RCW 46.76.020 are each amended to read as follows:

Application for a transporter's license shall be made on a form provided for that purpose by the director of (~~motor vehicles~~) licensing and when executed shall be forwarded to the director together with the proper fee. The application shall contain the name and address of the applicant and such other information as the director may require.

Sec. 190. Section 1, chapter 110, Laws of 1971 ex. sess. and RCW 46.79.010 are each amended to read as follows:

As used in this chapter and unless the context indicates otherwise, words and phrases shall mean:

(1) "Abandoned vehicle" means any vehicle left within the limits of any highway or upon the property of another without the consent of the owner of such property for a period of twenty-four hours, or longer, except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

(2) "Abandoned automobile hulk" means the abandoned remnant or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of parts of mechanisms and the application of a substantial amount of labor to effect repairs.

(3) "Scrap processor" means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling salvage.

(4) "Demolish" means to destroy completely by use of a hydraulic baler and shears, or a shredder.

(5) "Hulk hauler" means any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed motor vehicle wrecker or scrap processor in substantially the same form in which they are obtained and who may not sell second-hand motor vehicle parts to anyone other than a scrap processor.

(6) "Director" means the director of (~~the department of motor vehicles~~) licensing.

Sec. 191. Section 2, chapter 110, Laws of 1971 ex. sess. and RCW 46.79.020 are each amended to read as follows:

Any hulk hauler or scrap processor licensed under the provisions of this chapter may:

(1) Notwithstanding any other provision of law, transport any flattened or junk abandoned automobile hulk whether such hulk is from in state or out of state, to a scrap processor upon obtaining the certificate of title and/or registration and/or any release of interest from the owner or custodian of such hulk. The scrap processor shall forward such document(s) to the department (~~of motor vehicles~~), together with a monthly report of all vehicles acquired from other than a licensed automobile wrecker, and no further identification shall be necessary.

(2) Transport any vehicle upon obtaining ownership thereof as otherwise required by law.

Sec. 192. Section 46.80.020, chapter 12, Laws of 1961 as last amended by section 3, chapter 253, Laws of 1977 ex. sess. and RCW 46.80.020 are each amended to read as follows:

It shall be unlawful for any motor vehicle wrecker, as defined herein, to engage in the business of wrecking motor vehicles or trailers without having first applied for and received a license from the department of (~~motor vehicles~~) licensing authorizing him so to do.

Sec. 193. Section 46.80.030, chapter 12, Laws of 1961 as last amended by section 4, chapter 253, Laws of 1977 ex. sess. and RCW 46.80.030 are each amended to read as follows:

Application for a motor vehicle wrecker's license or renewal of a vehicle wrecker's license shall be made on a form for this purpose, furnished by the department of (~~motor vehicles~~) licensing, and shall be signed by the motor vehicle wrecker or his authorized agent and shall include the following information:

(1) Name and address of the person, firm, partnership, association or corporation under which name the business is to be conducted;

(2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;



(3) Certificate of approval of the chief of police of any city or town having a population of over five thousand persons and in all other instances a member of the Washington state patrol certifying that:

(a) The applicant has an established place of business at the address shown on the application, and;

(b) In the case of a renewal of a vehicle wrecker's license, the applicant has been complying with the provisions of this chapter, as now or hereafter amended, and the provisions of Title 46 RCW, relating to registration and certificates of title: PROVIDED, That the above certifications in any instance can be made by an authorized representative of the department of ~~((motor vehicles))~~ licensing;

(4) Any other information that the department may require.

Sec. 194. Section 46.80.090, chapter 12, Laws of 1961 as last amended by section 7, chapter 253, Laws of 1977 ex. sess. and RCW 46.80.090 are each amended to read as follows:

Within thirty days after a vehicle has been acquired by the motor vehicle wrecker it shall be the duty of such motor vehicle wrecker to furnish a written report to the department on forms furnished by the department. This report shall be in such form as the department shall prescribe and shall be accompanied by the certificate of title, if the vehicle has been last registered in a state which issues a certificate, or a record of registration if registered in a state which does not issue a certificate of title. No motor vehicle wrecker shall acquire a vehicle without first obtaining such record or title. It shall be the duty of the motor vehicle wrecker to furnish a monthly report of all vehicles wrecked, dismantled, disassembled, or substantially changed in form by him. This report shall be made on forms prescribed by the department and contain such information as the department may require. This statement shall be signed by the motor vehicle wrecker or his authorized representative and the facts therein sworn to before a notary public, or before an officer or employee of the department of ~~((motor vehicles))~~ licensing designated by the director to administer oaths or acknowledge signatures, pursuant to RCW 46.01.180.

Sec. 195. Section 2, chapter 39, Laws of 1963 as last amended by section 2, chapter 76, Laws of 1977 and RCW 46.81.010 are each amended to read as follows:

The following words and phrases whenever used in chapter 46.81 RCW shall have the following meaning:

(1) "Superintendent" or "state superintendent" shall mean the superintendent of public instruction.

(2) "Traffic safety education course" shall mean an accredited course of instruction in traffic safety education which shall consist of two phases, classroom instruction, and laboratory experience. "Laboratory experience" shall include on-street, driving range, or simulator experience or some combination thereof. Each phase shall meet basic course requirements

which shall be established by the superintendent of public instruction and each part of said course shall be taught by a qualified teacher of traffic safety education. Any portions of the course may be taught after regular school hours or on Saturdays as well as on regular school days or as a summer school course, at the option of the local school districts.

(3) "Qualified teacher of traffic safety education" shall mean an instructor certificated under the provisions of chapter 28A.70 RCW and certificated by the superintendent of public instruction to teach either the classroom phase or the laboratory phase of the traffic safety education course, or both, under regulations promulgated by the superintendent: PROVIDED, That the laboratory experience phase of the traffic safety education course may be taught by instructors certificated under rules promulgated by the superintendent of public instruction, exclusive of any requirement that the instructor be certificated under the provisions of chapter 28A.70 RCW. Professional instructors certificated under the provisions of chapter 46.82 RCW, and participating in this program, shall be subject to reasonable qualification requirements jointly adopted by the superintendent of public instruction and the director of ~~((the department of motor vehicles))~~ licensing.

(4) "Realistic level of effort" ~~((for the purpose of this 1977 amendatory act))~~ means the classroom and laboratory student learning experiences considered acceptable to the superintendent of public instruction that must be satisfactorily accomplished by the student in order to successfully complete the traffic safety education course.

Sec. 196. Section 3, chapter 39, Laws of 1963 as last amended by section 3, chapter 76, Laws of 1977 and RCW 46.81.020 are each amended to read as follows:

(1) The superintendent of public instruction is authorized to establish a section of traffic safety education, and through such section shall: Define a "realistic level of effort" required to provide an effective traffic safety education course, establish a level of driving competency required of each student to successfully complete the course, and ensure that an effective statewide program is implemented and sustained, administer, supervise, and develop the traffic safety education program and shall assist local school districts in the conduct of their traffic safety education programs. The superintendent shall adopt necessary rules and regulations governing the operation and scope of the traffic safety education program; and each school district shall submit a report to the superintendent on the condition of its traffic safety education program: PROVIDED, That the superintendent shall monitor the quality of the program and carry out the purposes of this chapter.

(2) The board of directors of any school district maintaining a secondary school which includes any of the grades 10 to 12, inclusive, may establish and maintain a traffic safety education course. If a school district elects

to offer a traffic safety education course and has within its boundaries a private accredited secondary school which includes any of the grades 10 to 12, inclusive, at least one class in traffic safety education shall be given at times other than regular school hours if there is sufficient demand therefor.

(3) The board of directors of a school district, or combination of school districts, may contract with any drivers' school licensed under the provisions of chapter 46.82 RCW to teach the laboratory phase of the traffic safety education course. Instructors provided by any such contracting drivers' school must be properly qualified teachers of traffic safety education under the joint qualification requirements adopted by the superintendent of public instruction and the director of ~~((the department of motor vehicles))~~ licensing.

Sec. 197. Section 46.82.010, chapter 12, Laws of 1961 as amended by section 106, chapter 32, Laws of 1967 and RCW 46.82.010 are each amended to read as follows:

For the purpose of this chapter:

"Drivers' school" means a commercial automobile training school engaged in the business of giving instruction for hire in the operation of automobiles.

"Director" means the director of ~~((motor vehicles))~~ licensing of the state of Washington.

"Instructor" means any natural person employed by a drivers' school to instruct persons in the operation of automobiles.

"Place of business" means a designated location at which the business of a drivers' school is transacted and its records are kept.

"Person" includes an individual, firm, corporation, partnership or association.

Sec. 198. Section 46.82.060, chapter 12, Laws of 1961 as last amended by section 107, chapter 32, Laws of 1967 and RCW 46.82.060 are each amended to read as follows:

The director, or any employee of the department of ~~((motor vehicles))~~ licensing deputized by him for such purposes, may suspend or revoke a drivers' school license or refuse to issue a renewal thereof for any of the following causes:

(1) The conviction of the licensee of a felony, or of any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;

(2) Where the licensee has made a material false statement or concealed a material fact in connection with his application for the license or a renewal thereof;

(3) Where the licensee has failed to comply with any of the provisions of this chapter or any of the rules and regulations of the director made pursuant thereto;

(4) Where the licensee has been guilty of fraud or fraudulent practices in relation to the business conducted under the license, or guilty of inducing

another to resort to fraud or fraudulent practices in relation to securing for himself or another a license to drive an automobile. The term "fraudulent practices" as used in this section shall include, but not be limited to, any conduct or representation on the part of the licensee tending to induce anyone to believe, or to give the impression that a license to operate an automobile, or any other license, registration or service granted by the director, may be obtained by any means other than the ones prescribed by law, or furnishing or obtaining the same by illegal or improper means, or requesting, accepting, exacting, or collecting money for such purpose.

Notwithstanding the renewal of a license, the director may revoke or suspend such license for causes and violations, as prescribed by this section, occurring during the two license periods immediately preceding the renewal of such license.

Sec. 199. Section 46.82.140, chapter 12, Laws of 1961 as last amended by section 136, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 46.82.140 are each amended to read as follows:

Examinations for a driving instructor's certificate shall be prepared and conducted by a driving instructor's examination committee to be composed of a representative from the Washington state department of education, a representative of the department of (~~motor vehicles~~) licensing and a representative of the commercial driving schools. Members shall be appointed by the governor for a one year term. The commercial driving school representative shall receive compensation not to exceed twenty-five dollars for each day spent on official committee business and all committee members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The director shall arrange for the examination of each applicant for an instructor's certificate and furnish the necessary clerical help to the examining committee.

Sec. 200. Section 3, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.020 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise, the terms:

(1) "Administrator" shall mean the employee of the department of (~~motor vehicles~~) licensing designated to administer reciprocal or proportional registration agreements.

(2) "Single cab card" shall mean the single document issued pursuant to the provisions of this chapter to indicate compliance with the various applicable requirements of the department of (~~highways~~) transportation, the department of (~~motor vehicles~~) licensing, the Washington state patrol and the Washington utilities and transportation commission affecting interstate commercial vehicle operators.

(3) "Person" shall include, where applicable, natural persons, corporations, trusts, unincorporated associations and partnerships.

(4) "Participating agencies" shall mean the department of (~~highways~~) transportation, the department of (~~motor vehicles~~) licensing, the

Washington state patrol and the Washington utilities and transportation commission.

(5) "Qualified carrier" shall mean a carrier which has qualified and is presently issued one or more single cab cards for some of its vehicles.

(6) "Director" shall mean the director of ~~((the department of motor vehicles))~~ licensing.

Sec. 201. Section 4, chapter 94, Laws of 1967 ex. sess. and RCW 46-.86.030 are each amended to read as follows:

The department of ~~((highways))~~ transportation, the department of ~~((motor vehicles))~~ licensing, the Washington state patrol and the Washington utilities and transportation commission are directed to jointly prepare and adopt rules, regulations and procedures to effectuate the purposes of this chapter. The provisions of the Administrative Procedure Act, chapter 34.04 RCW, shall apply to the rules and regulations so adopted. The said agencies are hereby authorized to jointly add to, amend or repeal such rules and regulations as they may deem necessary.

Sec. 202. Section 32, chapter 281, Laws of 1969 ex. sess. and RCW 46-.88.010 are each amended to read as follows:

The owner of any commercial vehicle or vehicles lawfully registered in another state and who wishes to use such vehicle or vehicles in this state in intrastate operations for periods less than a year may obtain permits for such operations upon application to the department of ~~((motor vehicles))~~ licensing or a county auditor. Such permits may be issued for thirty, sixty, or ninety day periods. The cost of each such permit shall include the fees provided for in RCW sections 46.01.140, 46.16.061, 46.16.060 and one-twelfth of the fees provided for in RCW 46.16.070 and 82.44.020 for each thirty days' operations provided for in the permit.

Sec. 203. Section 10, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.121 are each amended to read as follows:

"Department" means the department of ~~((motor vehicles))~~ licensing unless otherwise specified in this chapter.

Sec. 204. Section 26, chapter 151, Laws of 1977 ex. sess. and RCW 47-.01.250 are each amended to read as follows:

The chief of the Washington state patrol, the director of the traffic safety commission, the administration engineer of the county road administration board, and the director of ~~((the department of motor vehicles))~~ licensing are designated as official consultants to the transportation commission so that the goals and activities of their respective agencies which relate to transportation are fully coordinated with other related responsibilities of the department of transportation. In this capacity, the chief of the Washington state patrol, the director of the traffic safety commission, the administration engineer of the county road administration board, and

the director of (~~(motor vehicles)~~) licensing shall consult with the transportation commission and the secretary of transportation on the implications and impacts on the transportation related functions and duties of their respective agencies of any proposed comprehensive transportation plan, program, or policy.

In order to develop fully integrated, balanced, and coordinated transportation plans, programs, and budgets the chief of the Washington state patrol, the director of the traffic safety commission, the administration engineer of the county road administration board, and the director of (~~(motor vehicles)~~) licensing shall consult with the secretary of transportation on the matter of relative priorities during the development of their respective agencies' plans, programs, and budgets as they pertain to transportation activities. The secretary of transportation shall provide written comments to the governor and the legislature on the extent to which the state patrol's, the traffic safety commission's, the county road administration board's, and the department of (~~(motor vehicles's)~~) licensing's final plans, programs, and budgets are compatible with the priorities established in the department of transportation's final plans, programs, and budgets.

Sec. 205. Section 23, chapter 165, Laws of 1947 as last amended by section 2, chapter 68, Laws of 1967 ex. sess. and RCW 47.68.230 are each amended to read as follows:

It shall be unlawful for any person to operate or cause or authorize to be operated any civil aircraft within this state unless such aircraft has an appropriate effective certificate, permit or license issued by the United States, if such certificate, permit or license is required by the United States, and a current registration certificate issued by the director of (~~(the department of motor vehicles)~~) licensing, if registration of the aircraft with the department of (~~(motor vehicles)~~) licensing is required by this chapter. It shall be unlawful for any person to engage in aeronautics as an airman in the state unless he has an appropriate effective airman certificate, permit, rating or license issued by the United States authorizing him to engage in the particular class of aeronautics in which he is engaged, if such certificate, permit, rating or license is required by the United States and a current airman's registration certificate issued by the (~~(commission)~~) department of transportation as required by RCW (~~(+4.04.233)~~) 47.68.233.

Where a certificate, permit, rating or license is required for an airman by the United States or by RCW (~~(+4.04.233)~~) 47.68.233, it shall be kept in his personal possession when he is operating within the state. Where a certificate, permit or license is required by the United States or by this chapter for an aircraft, it shall be carried in the aircraft at all times while the aircraft is operating in the state and shall be conspicuously posted in the aircraft where it may be readily seen by passengers or inspectors. Such certificates shall be presented for inspection upon the demand of any peace officer, or any other officer of the state or of a municipality or member,

official or employee of the (~~(aeronautics commission)~~) department of transportation authorized pursuant to this chapter to enforce the aeronautics laws, or any official, manager or person in charge of any airport, or upon the reasonable request of any person.

Sec. 206. Section 25, chapter 165, Laws of 1947 as last amended by section 8, chapter 9, Laws of 1967 ex. sess. and RCW 47.68.250 are each amended to read as follows:

Every aircraft shall be registered with the department of (~~(motor vehicles)~~) licensing for each calendar year in which the aircraft is operated within this state. A fee of four dollars shall be charged for each such registration and each annual renewal thereof.

Possession of the appropriate effective federal certificate, permit, rating, or license relating to ownership and airworthiness of the aircraft, and payment of the excise tax imposed by Title 82 RCW for the privilege of using the aircraft within this state during the year for which the registration is sought, and payment of the registration fee required by this section shall be the only requisites for registration of an aircraft under this section.

The registration fee imposed by this section shall be payable to and collected by the director of (~~(the department of motor vehicles)~~) licensing. The fee for any calendar year must be paid during the month of January, and shall be collected by the director of (~~(the department of motor vehicles)~~) licensing at the time of the collection by him of the said excise tax. If the director of (~~(the department of motor vehicles)~~) licensing is satisfied that the requirements for registration of the aircraft have been met, he shall thereupon issue to the owner of the aircraft a certificate of registration therefor. The director of (~~(the department of motor vehicles)~~) licensing shall pay to the state treasurer the registration fees collected under this section, which registration fees shall be credited to the general fund.

It shall not be necessary for the registrant to provide the director of (~~(the department of motor vehicles)~~) licensing with originals or copies of federal certificates, permits, ratings, or licenses. The director of (~~(the department of motor vehicles)~~) licensing shall issue certificates of registration, or such other evidences of registration or payment of fees as he may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences.

The provisions of this section shall not apply to:

(1) An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(2) An aircraft registered under the laws of a foreign country;

(3) An aircraft which is owned by a nonresident and registered in another state: PROVIDED, That if said aircraft shall remain in and/or be

based in this state for a period of ninety days or longer it shall not be exempt under this section;

(4) An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;

(5) An aircraft owned by the manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

(6) An aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW.

The director of (~~the department of motor vehicles~~) licensing shall be notified within one week of any change in ownership of a registered aircraft. The notification shall contain the N, NC, NR, NL, or NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the director of (~~the department of motor vehicles~~) licensing, the registration of that aircraft may be canceled by the director of (~~the department of motor vehicles~~) licensing, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

Sec. 207. Section 8, chapter 163, Laws of 1977 ex. sess. and RCW 48.40.035 are each amended to read as follows:

The commissioner shall give a funeral establishment notice of his intention to suspend, revoke, or refuse to renew the establishment's certificate of registration not less than ten days before the order of suspension, revocation or refusal is to become effective.

No funeral establishment whose certificate of registration has been suspended, revoked, or refused shall subsequently be authorized to enter into prearrangement contracts unless the grounds for such suspension, revocation, or refusal in the opinion of the commissioner no longer exist and the funeral establishment is otherwise fully qualified.

Upon the suspension, revocation or refusal of a funeral establishment's certificate of registration, the commissioner shall give written notice of such action to the director of the department of (~~motor vehicles~~) licensing.

Sec. 208. Section 2, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.020 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires:

(1) "Blanket encumbrance" shall mean a trust deed, mortgage, mechanic's lien, or any other lien or encumbrance, securing or evidencing the payment of money and affecting the land to be developed or affecting more than one lot or parcel of developed land, or an agreement affecting more than one such lot or parcel by which the developer holds said development under option, contract, sale, or trust agreement. The term shall not include taxes and assessments levied by a public authority.



(2) "Director" means the director of ~~((the department of motor vehicles))~~ licensing or his authorized designee.

(3) "Developer" means any owner of a development who offers it for disposition, or the principal agent of an inactive owner.

(4) "Development" or "developed lands" means land which is divided or is proposed to be divided for the purpose of disposition into ten or more lots, parcels, or units (excluding interests in camping clubs regulated under chapter 19.105 RCW) and any other land whether contiguous or not, if ten or more lots, parcels, units, or interests are offered as a part of a common promotional plan of advertising and sale.

(5) "Disposition" includes any sale, lease, assignment, or exchange of any interest in any real property which is a part of or included within a development, and also includes the offering of property as a prize or gift when a monetary charge or consideration for whatever purpose is required in conjunction therewith, and any other transaction concerning a development if undertaken for gain or profit.

(6) "Offer" includes every inducement, solicitation, or media advertisement which has as a principal aim to encourage a person to acquire an interest in land.

(7) "Hazard" means all existing or proposed unusual conditions relating to the location of the development, noise, safety, or other nuisance which affect or might affect the development.

(8) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, unincorporated association, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.

(9) "Purchaser" means a person who acquires or attempts to acquire or succeeds to any interest in land.

(10) "Residential buildings" shall mean premises that are actually intended or used as permanent residences of the purchasers and that are not devoted exclusively to any other purpose.

Sec. 209. Section 3, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.030 are each amended to read as follows:

(1) Unless the method of disposition is adopted for the purpose of evasion of this chapter, the provisions of this chapter shall not apply to land and offers or dispositions:

(a) By a purchaser of developed lands for his own account in a single or isolated transaction;

(b) If fewer than ten separate lots, parcels, units, or interests in developed lands are offered by a person in a period of twelve months;

(c) If each lot offered in the development is five acres or more;

(d) On which there is a residential, commercial, or industrial building, or as to which there is a legal obligation on the part of the seller to construct such a building within two years from date of disposition;

(e) To any person who acquires such lot, parcel, unit or interest therein for the purpose of engaging in the business of constructing residential, commercial, or industrial buildings or for the purpose of resale or lease or other disposition of such lots to persons engaged in such business or businesses;

(f) Any lot, parcel, unit or interest if the development is located within an area incorporated prior to January 1, 1974;

(g) Pursuant to court order; or

(h) As cemetery lots or interests.

(2) Unless the method of disposition is adopted for the purpose of evasion of this chapter, the provisions of this chapter shall not apply to:

(a) Offers or dispositions of evidence of indebtedness secured by a mortgage or deed of trust of real estate;

(b) Offers or dispositions of securities or units of interest issued by a real estate investment trust regulated under any state or federal statute;

(c) A development as to which the director has waived the provisions of this chapter as provided in RCW 58.19.040;

(d) Offers or dispositions of securities currently registered with the (~~division of securities of~~) business and professions administration in the department of (~~motor vehicles~~) licensing;

(e) Offers or dispositions of any interest in oil, gas, or other minerals or any royalty interest therein if the offers or dispositions of such interests are regulated as securities by the United States or by the (~~division of securities of~~) business and professions administration in the department of (~~motor vehicles~~) licensing.

Sec. 210. Section 9-302, chapter 157, Laws of 1965 ex. sess. as last amended by section 6, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-302 are each amended to read as follows:

(1) A financing statement must be filed to perfect all security interests except the following:

(a) a security interest in collateral in possession of the secured party under RCW 62A.9-305;

(b) a security interest temporarily perfected in instruments or documents without delivery under RCW 62A.9-304 or in proceeds for a ten day period under RCW 62A.9-306;

(c) a purchase money security interest in farm equipment having a purchase price not in excess of two thousand five hundred dollars; but filing is required for a fixture under RCW 62A.9-313 or for a motor vehicle required to be licensed;

(d) a purchase money security interest in consumer goods; but filing is required for a fixture under RCW 62A.9-313 or for a motor vehicle required to be licensed;

(e) an assignment of accounts or contract rights which does not alone or in conjunction with other assignments to the same assignee transfer a significant part of the outstanding accounts or contract rights of the assignor;

(f) a security interest of a collecting bank (RCW 62A.4-208) or arising under the Article on Sales (RCW 62A.9-113) or covered in subsection (3) of this section.

(2) If a secured party assigns a perfected security interest, no filing under this Article is required in order to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(3) The filing provisions of this Article do not apply to a security interest in property subject to a statute

(a) of the United States which provides for a national registration or filing of all security interests in such property; or

(b) of this state which provides for central filing of, or which requires indication on a certificate of title of, such security interests in such property.

(4) A security interest in property covered by a statute described in subsection (3) can be perfected only by registration or filing under that statute or by indication of the security interest on a certificate of title or a duplicate thereof by a public official.

(5) Part 4 of this Article does not apply to a security interest in property of any description created by a deed of trust or mortgage made by any corporation primarily engaged in the railroad or street railway business, the furnishing of telephone or telegraph service, the transmission of oil, gas or petroleum products by pipe line, or the production, transmission or distribution of electricity, steam, gas or water, but such security interest may be perfected under this Article by filing such deed of trust or mortgage with the department of (~~(motor vehicles)~~) licensing. When so filed, such instrument shall remain effective until terminated, without the need for filing a continuation statement. Assignments and releases of such instruments may also be filed with the department of (~~(motor vehicles)~~) licensing. The director of (~~(motor vehicles)~~) licensing shall be a filing officer for the foregoing purposes, and the uniform fee for filing, indexing, and furnishing filing data pursuant to this subsection shall be five dollars.

Sec. 211. Section 9-401, chapter 157, Laws of 1965 ex. sess. as amended by section 7, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-401 are each amended to read as follows:

(1) The proper place to file in order to perfect a security interest is as follows:

(a) when the collateral is equipment used in farming operations, or farm products, or accounts, contract rights or general intangibles arising from or relating to the sale of farm products by a farmer, or consumer goods, then in the office of the auditor in the county of the debtor's residence or if the debtor is not a resident of this state then in the office of the auditor in the

county where the goods are kept, and in addition when the collateral is crops in the office of the auditor in the county where the land on which the crops are growing or to be grown is located;

(b) when the collateral is goods which at the time the security interest attaches are or are to become fixtures, then in the office where a mortgage on the real estate concerned would be filed or recorded;

(c) in all other cases, with the department of (~~motor vehicles~~) licensing.

(2) A filing which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this Article and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in this state continues effective even though the debtor's residence or place of business or the location of the collateral or its use, whichever controlled the original filing, is thereafter changed.

(4) If collateral is brought into this state from another jurisdiction, the rules stated in RCW 62A.9-103 determine whether filing is necessary in this state.

Sec. 212. Section 9-403, chapter 157, Laws of 1965 ex. sess. as last amended by section 8, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-403 are each amended to read as follows:

(1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this Article.

(2) A filed financing statement which states a maturity date of the obligation secured of five years or less is effective until such maturity date and thereafter for a period of sixty days. Any other filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of such sixty day period after a stated maturity date or on the expiration of such five year period, as the case may be, unless a continuation statement is filed prior to the lapse. Upon such lapse the security interest becomes unperfected. A filed financing statement which states that the obligation secured is payable on demand is effective for five years from the date of filing.

(3) A continuation statement may be filed by the secured party (i) within six months before and sixty days after a stated maturity date of five years or less, and (ii) otherwise within six months prior to the expiration of the five year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. Upon timely filing of the continuation statement, the effectiveness of the

original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it.

(4) A filing officer shall mark each statement with a consecutive file number and with the date and hour of filing and shall hold the statement for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) The uniform fee for filing, indexing, and furnishing filing data for an original or a continuation statement on a form conforming to standards prescribed by the department of ~~((motor vehicles))~~ licensing shall be three dollars, but if the form of the statement does not conform to the standards prescribed by the department the uniform fee shall be five dollars.

Sec. 213. Section 9-404, chapter 157, Laws of 1965 ex. sess. as last amended by section 9, chapter 117, Laws of 1977 ex. sess. and RCW 62A-9-404 are each amended to read as follows:

(1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must on written demand by the debtor send the debtor a statement that he no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must include or be accompanied by the assignment or a statement by the secured party of record that he has assigned the security interest to the signer of the termination statement. The uniform fee for filing and indexing such an assignment or statement thereof on a form conforming to standards prescribed by the department of ~~((motor vehicles))~~ licensing shall be one dollar, but if the form of the statement does not conform to the standards prescribed by the department the uniform fee shall be two dollars. If the affected secured party fails to send such a termination statement within ten days after proper demand therefor he shall be liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by such failure.

(2) On presentation to the filing officer of such a termination statement he must note it in the index. The filing officer shall remove from the files, mark "terminated" and send or deliver to the secured party the financing statement and any continuation statement, statement of assignment or statement of release pertaining thereto.

(3) There shall be no fee for filing and indexing a termination statement including sending or delivering the financing statement.

Sec. 214. Section 9-405, chapter 157, Laws of 1965 ex. sess. as last amended by section 10, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-405 are each amended to read as follows:

(1) A financing statement may disclose an assignment of a security interest in the collateral described in the statement by indication in the statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the statement. Either the original secured party or the assignee may sign this statement as the secured party. On presentation to the filing officer of such a financing statement, the filing officer shall mark, hold, and index the same as provided in RCW 62A.9-403(4), and shall note the assignment on the index of the financing statement. The uniform fee for filing, indexing, and furnishing filing data for a financing statement so indicating an assignment on a form conforming to standards prescribed by the department of (~~motor vehicles~~) licensing shall be three dollars, but if the form of the financing statement does not conform to the standards prescribed by the department the uniform fee shall be five dollars.

(2) A secured party may assign of record all or a part of his rights under a financing statement by the filing of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. He shall note the assignment on the index of the financing statement. The uniform fee for filing, indexing and furnishing filing data about such a separate statement of assignment on a form conforming to standards prescribed by the department shall be one dollar, but if the form of the financing statement does not conform to the standards prescribed by the department the uniform fee shall be two dollars.

(3) After the disclosure or filing of an assignment under this section, the assignee is the secured party of record.

Sec. 215. Section 9-406, chapter 157, Laws of 1965 ex. sess. as last amended by section 11, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-406 are each amended to read as follows:

A secured party of record may by his signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. Upon presentation of such a statement to the filing officer he shall mark the statement with the hour and date of filing and shall note the same upon the margin of

the index of the filing of the financing statement. The uniform fee for filing and noting such a statement of release on a form conforming to standards prescribed by the department of ~~((motor vehicles))~~ licensing shall be one dollar, but if the form of the statement does not conform to the standards prescribed by the department the uniform fee shall be two dollars.

Sec. 216. Section 12, chapter 114, Laws of 1967 as amended by section 12, chapter 117, Laws of 1977 ex. sess. and RCW 62A.9-409 are each amended to read as follows:

In relation to Article 62A.9 RCW:

(1) The department of ~~((motor vehicles))~~ licensing may by rule prescribe standard filing forms and uniform procedures for filing with, and obtaining information from, filing officers.

(2) Unless a filing officer has filed with the secretary of state on or before June 1, 1967, his certificate that financing statements, as defined in RCW 62A.9-402, will not be accepted by him for filing on and after June 12, 1967, such filing officer shall accept such financing statements for filing on and after June 12, 1967. Financing statements so filed shall be received, marked, indexed, and filed as provided in ~~((chapter 157, Laws of 1965 extraordinary session))~~ Title 62A RCW. The filing fees for filing such statements shall be as provided in ~~((chapter 157, Laws of 1965 extraordinary session, as amended))~~ Title 62A RCW.

Sec. 217. Section 7, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.16.040 are each amended to read as follows:

Except as otherwise provided by law, an employee in a state liquor store or agency may sell liquor to any person of legal age to purchase alcoholic beverages ~~((as provided in chapter 100, Laws of 1973))~~ and may also sell to holders of permits such liquor as may be purchased under such permits.

Where there may be a question of a person's right to purchase liquor by reason of his age, such person shall be required to present any one of the following officially issued cards of identification which shows his correct age and bears his signature and photograph:

(1) Liquor control authority card of identification of any state.

(2) Driver's license of any state or "identocard" issued by the Washington state department of ~~((motor vehicles))~~ licensing pursuant to RCW 46.20.117.

(3) United States active duty military identification.

(4) Passport.

The board may adopt such regulations as it deems proper covering the acceptance of such cards of identification.

No liquor sold under this section shall be delivered until the purchaser has paid for the liquor in cash.

Sec. 218. Section 14, chapter 108, Laws of 1937 and RCW 68.08.230 are each amended to read as follows:

Whenever any dead human body shall have been in the lawful possession of any person, firm, corporation or association for a period of one year or more, or whenever the incinerated remains of any dead human body have been in the lawful possession of any person, firm, corporation or association for a period of two years or more, and the relatives of, or persons interested in, the deceased person shall fail, neglect or refuse for such periods of time, respectively, to direct the disposition to be made of such body or remains, such body or remains may be disposed of by the person, firm, corporation or association having such lawful possession thereof, under and in accordance with such rules and regulations as may be made and promulgated by said director of ~~((licenses))~~ licensing, not inconsistent with any statute of the state of Washington or rule or regulation prescribed by the state board of health.

Sec. 219. Section 10, chapter 307, Laws of 1971 ex. sess. and RCW 70-.93.100 are each amended to read as follows:

The department may design and produce a litter bag bearing the state-wide anti-litter symbol and a statement of the penalties prescribed herein for littering in this state. ~~((As soon as possible after May 21, 1971,))~~ Such litter bags may be distributed by the department of ~~((motor vehicles))~~ licensing at no charge to the owner of every licensed vehicle in this state at the time and place of license renewal. The department of ecology may make such litter bags available to the owners of water craft in this state and may also provide such litter bags at no charge at points of entry into this state and at visitor centers to the operators of incoming vehicles and watercraft. The owner of any vehicle or watercraft who fails to keep and use a litter bag in his vehicle or watercraft shall be guilty of a violation of this section and shall be subject to a fine as provided in this chapter.

Sec. 220. Section 6, chapter 122, Laws of 1972 ex. sess. and RCW 70-.96A.060 are each amended to read as follows:

(1) An interdepartmental coordinating committee is established, composed of the superintendent of public instruction or his designee, the director of ~~((the department of motor vehicles))~~ licensing or his designee, the executive secretary of the Washington state law enforcement training commission or his designee, and one or more designees (not to exceed three) of the secretary of the department of social and health services. The committee shall meet at least twice annually at the call of the secretary, or his designee, who shall be its chairman. The committee shall provide for the coordination, and exchange of information on, all programs relating to alcoholism, and shall act as a permanent liaison among the departments engaged in activities affecting alcoholics, persons incapacitated by alcohol, and intoxicated persons. The committee shall assist the secretary and director in formulating a comprehensive plan for prevention of alcoholism and



for treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons.

(2) In exercising its coordinating functions, the committee shall assure that:

(a) The appropriate state agencies provide or assure all necessary medical, social, treatment, and educational services for alcoholics, persons incapacitated by alcohol, and intoxicated persons and for the prevention of alcoholism, without unnecessary duplication of services;

(b) The several state agencies cooperate in the use of facilities and in the treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons; and

(c) All state agencies adopt approaches to the prevention of alcoholism and the treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons consistent with the policy of this chapter.

Sec. 221. Section 1, chapter 178, Laws of 1949 as last amended by section 1, chapter 60, Laws of 1972 ex. sess. and RCW 73.04.110 are each amended to read as follows:

Any veteran who is a veteran of any war of the United States, or of any military campaign for which a campaign ribbon shall have been awarded, who shall submit to the director of ~~((motor vehicles))~~ licensing satisfactory proof that he has lost the use of one or both of his arms or legs or that he had become blind in both eyes as the result of his military service in such war or military campaign, shall be entitled to have issued to him by the director of ~~((motor vehicles))~~ licensing an annual motor vehicle license for one automobile without the payment of any license fee or excise tax thereon.

For the purposes of this section, "blind" shall mean that definition of "blind" utilized by the state of Washington in determining eligibility for financial assistance to the blind under Title 74 RCW.

Sec. 222. Section 82.12.045, chapter 15, Laws of 1961 as last amended by section 1, chapter 10, Laws of 1969 ex. sess. and RCW 82.12.045 are each amended to read as follows:

In the collection of the use tax on motor vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances: (1) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer; (2) where the application is for the renewal of registration; (3) where the applicant presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; (4) where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by him on the vehicle in question. The term

"motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses. It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon his application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor. Any person wilfully misrepresenting, or failing or refusing to declare upon his application, such value shall be guilty of a gross misdemeanor.

Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as his collection fee the sum of one dollar for each motor vehicle upon which the tax has been collected. All revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within two years after payment of the tax. Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.

The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules and regulations as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of (~~(motor vehicles)~~) licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

Sec. 223. Section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 317, Laws of 1977 ex. sess. and RCW 82.36.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Motor vehicle" means every vehicle which is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber, or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;

(2) "Motor vehicle fuel" means gasoline or any other inflammable gas, or liquid, by whatsoever name such gasoline, gas or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles or motorboats;

(3) "Distributor" means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires it within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state;

(4) "Service station" means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;

(5) "Department" means the department of ~~((motor vehicles))~~ licensing;

(6) "Director" means the director of ~~((motor vehicles))~~ licensing;

(7) "Dealer" means any person engaged in the retail sale of liquid motor vehicle fuels;

(8) "Person" means every natural person, firm, partnership, association, or private or public corporation;

(9) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;

(10) "Broker" means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;

(11) "Producer" means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;

(12) "Distribution" means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants;

(13) "Bulk storage plant" means, pursuant to the licensing provisions of RCW 82.36.070, any plant, under the control of the distributor, used for the storage of motor vehicle fuel to which no retail outlets are directly connected by pipe lines;

(14) "Marine fuel dealer" means any person engaged in the retail sale of liquid motor vehicle fuel whose place of business and or sale outlet is located upon a navigable waterway;

(15) "Weighted average retail sales price of motor vehicle fuel" means the average retail sales price excluding any federal excise tax of the several grades of motor vehicle fuel (other than special fuels taxed pursuant to chapter 82.38 RCW) sold by service stations throughout the state (less any state excise taxes on the sale, distribution, or use thereof) weighted to reflect the quantities sold at each different price;

(16) "Aggregate motor vehicle fuel tax revenues" means the amount of excise taxes to be paid by distributors, retailers, and users pursuant to chapters 82.36, 82.37, and 82.38 RCW, as now or hereafter amended, for any designated fiscal period, whether or not such amounts are actually received by the department of (~~motor vehicles~~) licensing. The phrase does not include fines or penalties assessed for violations;

(17) "Fiscal half-year" means a six month period ending June 30th or December 31st.

Sec. 224. Section 6, chapter 317, Laws of 1977 ex. sess. and RCW 82-36.025 are each amended to read as follows:

(1) (a) During the fifth month of each fiscal half-year ending June 30th and December 31st of each year, the department of (~~motor vehicles~~) licensing shall compute a motor vehicle fuel tax rate to the nearest one-half cent per gallon of motor vehicle fuel by multiplying twenty-one and one-half percent times the weighted average retail sales price of motor vehicle fuel, per gallon, sold within the state in the third month of such fiscal half-year. The department of (~~motor vehicles~~) licensing shall determine the weighted average retail sales price of motor vehicle fuel by state-wide sampling and survey techniques designed to reflect such prices for the third month of such fiscal half-year. The department shall establish reasonable guidelines for its sampling and survey methods.

(b) Subject to provisions of subsections (2) and (3) of this section the excise tax rate computed in the manner provided in subsection (1) of this section shall apply to the sale, distribution, or use of motor vehicle fuel beginning the fiscal half-year following computation of the rate and shall remain in effect for each succeeding fiscal half-year until a subsequent computation requires a change in the rate. For the first fiscal half-year after July 1, 1977, the motor vehicle fuel tax shall be eleven cents per gallon.

(2) (a) The motor vehicle fuel tax rate for any fiscal half-year shall not exceed twelve cents per gallon nor exceed a rate as computed in this subsection.

(b) Each fiscal half-year at the time the department of (~~motor vehicles~~) licensing computes the excise tax rate for the ensuing fiscal half-year of a biennium, the department shall estimate the total aggregate motor vehicle fuel tax revenues and the total of all other state revenues which will

accrue to the motor vehicle fund during the full biennium. The estimated total aggregate motor vehicle fuel tax revenues for the biennium shall include those revenues which have accrued to the motor vehicle fund for the half-year or half-years of the biennium that have then elapsed plus revenues which the department determines will accrue during the remaining fiscal half-years of the biennium, assuming the sale, distribution, and use of motor vehicle fuel and special fuel within the state for the remaining fiscal half-years of the biennium shall be at the same volume as during the fiscal half-year last ended, adjusted however for the historic variations in sales, distribution, and use according to half-yearly periods and for projected trends, and at the weighted average retail sales price of motor vehicle fuel as last determined by the department of ~~((motor vehicles))~~ licensing. The estimated total of all other state revenues to accrue to the motor vehicle fund during the biennium shall include those revenues (other than the aggregate motor vehicle fuel tax revenues) which have accrued to the motor vehicle fund for the half-year or half-years of the biennium that have then elapsed plus revenues which the department of ~~((highways))~~ transportation with the concurrence of the office of ~~((program planning and fiscal))~~ financial management determines will accrue during the remaining fiscal half-years of the biennium, assuming that collections of such revenues for the remaining fiscal half-years of the biennium shall be at the same level as during the fiscal half-year just ended, adjusted however for historic variations in collections according to half-yearly periods and for projected trends, and shall include state revenues in the motor vehicle fund balance as of the end of the prior biennium as certified by the state treasurer, less an appropriate minimum balance for the biennium as determined by the department of ~~((highways))~~ transportation with the concurrence of the office of ~~((program planning and fiscal))~~ financial management and the proceeds of the sale of bonds but shall not include reimbursements to the motor vehicle fund for services performed by the department of ~~((highways))~~ transportation for others.

(c) If the estimated biennial aggregate motor vehicle fuel tax revenues as computed in paragraph (b) of this subsection, exceed the total of all appropriations, reappropriations, and transfers of state revenues from the motor vehicle fund for the biennium (less the estimated total of all other state revenues which will accrue to the motor vehicle fund during the biennium as computed in paragraph (b) of this subsection) by more than five percent thereof, the rate of the motor vehicle fuel tax (computed as provided in subsection (1) of this section) shall be reduced by one-half cent increments, commencing at the beginning of the ensuing fiscal half-year, as may be necessary to reduce such estimated total revenues for the full biennium to within the total of such appropriations, reappropriations, and transfers plus five percent thereof.

(3) (a) Notwithstanding any other provisions of this section the excise tax rate for any fiscal half-year shall not be less than nine cents per gallon nor less than the rate as computed in this subsection.

(b) Each fiscal half-year at the time the department of (~~(motor vehicles)~~) licensing computes the excise tax rate for the ensuing fiscal half-year of a fiscal year, the department shall estimate the total aggregate motor vehicle fuel tax revenues which will accrue to the motor vehicle fund during such fiscal year in the same manner that such revenues are estimated for a full biennium. If such estimated aggregate motor vehicle fuel tax revenues for the fiscal year are less than an amount equal to the aggregate motor vehicle fuel tax revenues collected during the fiscal year ending June 30, 1973, increased by six percent per year compounded annually for each year which has elapsed from June 30, 1973, to June 30th of the fiscal year for which estimated aggregate motor vehicle fuel tax revenues were computed, the department shall increase the rate of the excise tax by one-half cent increments, but not to exceed a total excise tax of twelve cents per gallon, commencing at the beginning of the ensuing fiscal half-year as necessary to produce estimated aggregate motor vehicle fuel tax revenues for such fiscal year as great as such revenues collected during the 1973 fiscal year increased by six percent per year compounded annually from June 30, 1973, to June 30th of the fiscal year for which such minimum half-yearly tax rate is being computed.

(4) (a) Except as otherwise provided in paragraph (b) of this subsection, if the department of (~~(highways)~~) transportation receives notification that unanticipated federal funds in excess of one million dollars above appropriations of federal funds from the motor vehicle fund for a biennium will be received for expenditure during that biennium, the (~~(highway commission)~~) department of transportation shall give notice of the amount of such unanticipated funds to the department of (~~(motor vehicles)~~) licensing which shall include such amount in the computation of the estimated total of all other state revenues to accrue during the biennium under paragraph (b) of subsection (2) of this section for purposes of computing the maximum rate of motor vehicle fuel tax as provided in this section.

(b) Upon receipt by the department of (~~(highways)~~) transportation of notification that unanticipated federal funds in excess of one million dollars above appropriations of federal funds from the motor vehicle fund for a biennium will be received for expenditure during that biennium, if the (~~(highway commission)~~) department of transportation determines that such funds or any part thereof may not legally or operationally be substituted for purposes for which state motor vehicle fund moneys have been appropriated, or determines that substitution of such federal funds for state funds would delay the construction of needed highway improvements, the (~~(highway commission)~~) department of transportation shall forthwith notify the governor and the standing committees on transportation of the house and senate

of its determination. If both the governor and the standing committees concur in the ~~((commission's))~~ department of transportation's determination, the unanticipated federal funds shall not be considered by the department of ~~((motor vehicles))~~ licensing in computing the estimated total of all other state revenues to accrue during the biennium under paragraph (b) of subsection (2) of this section.

Sec. 225. Section 2, chapter 22, Laws of 1963 ex. sess. as amended by section 1, chapter 67, Laws of 1965 and RCW 82.37.020 are each amended to read as follows:

The following words, terms, and phrases when used in this chapter have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

(1) "Commercial motor vehicle" means any motor vehicle used or maintained for the transportation of persons for hire, or any vehicle designed, used or maintained primarily for the transportation of commodities, merchandise, produce, freight and animals.

(2) "Motor carrier" means and includes a natural person, individual, partnership, firm, association, or private or public corporation, which is engaged in interstate commerce and which operates or causes to be operated on any highway in this state any commercial motor vehicle.

(3) "Operations", when applied to a motor carrier, means operations of all commercial motor vehicles, whether loaded or empty, whether for compensation or not for compensation, and whether owned by or leased to the motor carrier who operates them or causes them to be operated into or out of or through this state.

(4) "Motor vehicle fuel" means gasoline or any other inflammable liquids, by whatsoever name such liquid may be known or sold, the use of which is as fuel for the propulsion of commercial motor vehicles except fuel as defined in chapter 82.40 RCW.

(5) "Use" means and includes the consumption of motor vehicle fuel by any motor carrier in a commercial motor vehicle for the propulsion thereof upon the public highways of this state.

(6) "Motor vehicle fuel importer for use" means and includes any motor carrier importing motor vehicle fuel into this state in the fuel supply tank or tanks of any commercial motor vehicle for use in propelling said vehicle upon the highways of this state.

(7) "Public highways" means and includes every way, lane, road, street, boulevard, and every way or place open as a matter of right to public vehicular travel both inside and outside the limits of cities and towns.

(8) "Director" means the director of ~~((licenses))~~ licensing.

**\*Sec. 226. Section 3, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.020 are each amended to read as follows:**

***As hereinafter used in this chapter:***

(1) "Person" means every natural person, fiduciary, association or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.

(2) "Department" means the department of ~~((motor vehicles))~~ licensing.

(3) "Highway" means every way or place open to the use of the public, as a matter of right, for the purpose of vehicular travel.

(4) "Motor vehicle" means every self-propelled vehicle required to be licensed for operation upon the highways.

(5) "Special fuel" means and includes all combustible gases and liquids suitable for the generation of power for propulsion of motor vehicles, except that it does not include motor vehicle fuel as defined in chapter 82.36 RCW.

(6) "Use" means the consumption by a special fuel user of special fuels in propulsion of a motor vehicle on the highways of this state.

(7) "Special fuel dealer" means any person engaged in the business of handling special fuel who delivers any part thereof into the fuel supply tank or tanks of a motor vehicle not then owned or controlled by him, or places special fuel into the storage facilities used for the fueling of motor vehicles at an unbonded service station. For this purpose the term "fuel supply tank or tanks" does not include cargo tanks even though fuel is withdrawn directly therefrom for propulsion of the vehicle.

(8) "Special fuel user" means any person who consumes in this state special fuel for the propulsion of motor vehicles owned or controlled by him upon the highways of this state.

(9) "Special fuel supplier" means any person engaged in the business of selling special fuel where delivery thereof is made other than, or in addition to, the manner prescribed under the definition of "special fuel dealer".

(10) "Service station" means any location at which fueling of motor vehicles is offered to the general public.

(11) "Unbonded service station" means any service station at which an unbonded special fuel dealer regularly makes sales of special fuel by means of delivery thereof into the fuel supply tanks of motor vehicles.

(12) "Bond" means: (a) A bond duly executed by such special fuel dealer or special fuel user as principal with a corporate surety qualified under the provisions of chapter 48.28 RCW which bond shall be payable to the state of Washington conditioned upon faithful performance of all requirements of this chapter, including the payment of all taxes, penalties, and other obligations of such dealer, arising out of this chapter, or (b) a deposit with the state treasurer by the special fuel dealer or special fuel user, under such terms and conditions as the department may prescribe, a like amount of lawful money of the United States or bonds or other obligations of the United States, the state of Washington, or any county of said state, of an actual market value not less than the amount so fixed by the department.



**(13) "Lessor" means any person (a) whose principal business is the bona fide leasing or renting of motor vehicles without drivers for compensation to the general public, and (b) who maintains established places of business and whose lease or rental contracts require such motor vehicles to be returned to the established places of business.**

**(14) "Natural gas" means naturally occurring mixtures of hydrocarbon gases and vapors consisting principally of methane, whether in gaseous or liquid form.**

**(15) "Standard pressure and temperature" means fourteen and seventy-three hundredths pounds of pressure per square inch at sixty degrees Fahrenheit.**

*\*Sec. 226. was vetoed, see message at end of chapter.*

*\*Sec. 227. Section 1, chapter 335, Laws of 1977 ex. sess. and RCW 82-.38.075 are each amended to read as follows:*

*In order to encourage the use of nonpolluting fuels, until July 1, 1979, an annual license fee in lieu of the tax imposed by RCW 82.38.030 shall be imposed upon the use of natural gas as defined in this chapter or on liquified petroleum gas, commonly called propane, which is used in any motor vehicle, as defined in RCW 46.04.320, in accordance with the following schedule:*

VEHICLE TONNAGE (GVW)	FEE
0 - 6,000	\$ 60
6,001 - 10,000	\$ 70
10,001 - 18,000	\$ 80
18,001 - 28,000	\$110
28,001 - 36,000	\$150
36,001 and above	\$250

*The department (~~of motor vehicles~~), in addition to the foregoing fee, shall charge a further fee of five dollars as a handling charge for each license issued.*

*The director of the department (~~of motor vehicles~~) shall be authorized to prorate the vehicle tonnage fee so that the annual license required by this section will correspond with the staggered vehicle licensing system.*

*\*Sec. 227. was vetoed, see message at end of chapter.*

*\*Sec. 228. Section 18, chapter 175, Laws of 1971 ex. sess. as last amended by section 3, chapter 26, Laws of 1977 and RCW 82.38.170 are each amended to read as follows:*

**(1) If any special fuel dealer or special fuel user fails to pay any taxes collected or due the state of Washington by said dealer or user within the time prescribed by RCW 82.38.150, said dealer or user shall pay in addition to such tax a penalty of ten percent of the amount thereof plus interest at the rate of one percent per month, or fraction thereof, from the date such tax was due until paid.**

**(2) If it be determined by the department that the tax reported by any special fuel dealer or special fuel user is deficient it shall proceed to assess the deficiency on the basis of information available to it and there shall be added to this deficiency a penalty of ten percent of the amount of the deficiency together with interest at the rate of one percent per month, or fraction thereof, from the date the report was due until paid: PROVIDED, That the interest charge on the unpaid excise tax shall be waived when such interest is less than five dollars: AND PROVIDED FURTHER, That the department may waive the interest on the unpaid excise tax when the interest exceeds five dollars and the department ((of motor vehicles)) determines that the cost of processing the collection of the interest exceeds the amount of interest due.**

**(3) If any special fuel dealer or special fuel user, whether or not he is licensed as such, fails, neglects, or refuses to file a special fuel tax report, the department shall, on the basis of information available to it, determine the tax liability of the special fuel dealer or the special fuel user for the period during which no report was filed, and to the tax as thus determined, the department shall add the penalty and interest provided in subsection (2) of this section. An assessment made by the department pursuant to this subsection or to subsection (2) of this section shall be presumed to be correct, and in any case where the validity of the assessment is drawn in question, the burden shall be on the person who challenges the assessment to establish by a fair preponderance of the evidence that it is erroneous or excessive as the case may be.**

**(4) If any special fuel dealer or special fuel user shall establish by a fair preponderance of evidence that his failure to file a report or pay the proper amount of tax within the time prescribed was due to reasonable cause and was not intentional or wilful, the department may waive the penalty prescribed in subsections (1), (2), and (3) of this section.**

**(5) If any special fuel dealer or special fuel user shall file a false or fraudulent report with intent to evade the tax imposed by this chapter, there shall be added to the amount of deficiency determined by the department a penalty equal to twenty-five percent of the deficiency together with interest at one percent per month, or fraction thereof, on such deficiency from the date such tax was due to the date of payment, in addition to the penalty provided in subsection (2) of this section and all other penalties prescribed by law: PROVIDED, That the interest charge on the unpaid excise tax shall be waived when such interest is less than five dollars: AND PROVIDED FURTHER, That the director may waive the interest on the unpaid excise tax when the interest exceeds five dollars and the department ((of motor vehicles)) determines that the cost of processing the collection of the interest exceeds the amount of interest due.**

**(6) Except in the case of a fraudulent report or of neglect or refusal to make a report, every deficiency shall be assessed under subsection (2) of this section within three years from the twenty-fifth day of the next succeeding**

*calendar month following the monthly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires the later.*

*(7) Any special fuel dealer or special fuel user against whom an assessment is made under the provisions of subsections (2) or (3) of this section may petition for a reassessment thereof within thirty days after service upon the special fuel dealer or special fuel user of notice thereof. If such petition is not filed within such thirty day period, the amount of the assessment becomes final at the expiration thereof.*

*If a petition for reassessment is filed within the thirty day period, the department shall reconsider the assessment and, if the special fuel dealer or special fuel user has so requested in his petition, shall grant such special fuel dealer or special fuel user an oral hearing and give the special fuel dealer or special fuel user ten days' notice of the time and place thereof. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment shall become final thirty days after service upon the special fuel dealer or special fuel user of notice thereof.*

*Every assessment made by the department shall become due and payable at the time it becomes final and if not paid to the department when due and payable, there shall be added thereto a penalty of ten percent of the amount of the tax.*

*(8) Any notice of assessment required by this section shall be served personally or by mail; if by mail, service shall be made by depositing such notice in the United States mail, postage prepaid addressed to the special fuel dealer or special fuel user at his address as the same appears in the records of the department.*

*(9) Any licensee who has had their special fuel user ~~((license))~~ license, special fuel dealer ~~((license))~~ license, special fuel supplier ~~((license))~~ license, or combination thereof revoked shall pay a one hundred dollar penalty prior to the issuance of a new license.*

\*Sec. 228. was vetoed, see message at end of chapter.

Sec. 229. Section 1, chapter 10, Laws of 1967 ex. sess. as amended by section 1, chapter 254, Laws of 1969 ex. sess. and RCW 82.42.010 are each amended to read as follows:

For the purposes of this chapter:

- (1) "Department" means the department of ~~((motor vehicles))~~ licensing;
- (2) "Director" means the director of ~~((the department of motor vehicles))~~ licensing;
- (3) "Person" means every natural person, firm, partnership, association, or private or public corporation;
- (4) "Aircraft" means every contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, operated or propelled by the use of aircraft fuel;

(5) "Aircraft fuel" means gasoline and any other inflammable liquid, by whatever name such liquid is known or sold, the chief use of which is as fuel for the propulsion of aircraft, except gas or liquid, the chief use of which as determined by the director, is for purposes other than the propulsion of aircraft;

(6) "Dealer" means any person engaged in the retail sale of aircraft fuel;

(7) "Distributor" means any person engaged in the sale of aircraft fuel to any dealer and shall include any dealer from whom the tax hereinafter imposed has not been collected.

Sec. 230. Section 82.44.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 332, Laws of 1977 ex. sess. and RCW 82.44.020 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under dealer's licenses. The annual amount of such excise shall be two percent of the fair market value of such vehicle.

(2) From and after August 1, 1978 and until August 1, 2008, an additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise shall be two-tenths of one percent of the fair market value of such vehicle.

(3) The department of ~~((motor vehicles))~~ licensing and county auditors shall collect the additional tax imposed by subsection (2) of this section for any registration year for the months of that registration year in which such additional tax is effective, and in the same manner and at the same time as the tax imposed by subsection (1) of this section.

(4) In no case shall the total tax be less than two dollars.

Sec. 231. Section 82.44.040, chapter 15, Laws of 1961 as last amended by section 12, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.44.040 are each amended to read as follows:

~~((+))~~ The department of revenue, in consultation with the department of ~~((motor vehicles))~~ licensing shall prepare at least once each year a schedule for use in the collection of the excise tax imposed by this chapter. Such schedule shall be based upon such information as may be available to them pertaining to the fair market value of motor vehicles. Such vehicles shall be classified into a convenient number of classes on the basis of price, make, type, year of manufacture, or any other reasonable basis, and to the value of vehicles within the classes as thus determined shall be applied the rate of tax prescribed in RCW 82.44.020. In determining fair market value, the department of revenue may use any guidebook, report, or compendium of recognized standing in the automotive industry. The schedule shall show, so far as possible, the amount of excise tax for vehicles within each class and shall sufficiently describe the various motor vehicles included within

each classification to enable the department of (~~motor vehicles~~) licensing and its agents to ascertain readily the amount of tax applicable to any particular motor vehicle.

Sec. 232. Section 52, chapter 299, Laws of 1971 ex. sess. as amended by section 13, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.44.045 are each amended to read as follows:

The department of revenue and the department of (~~motor vehicles~~) licensing shall include campers on the schedule prepared by them as required under RCW 82.44.040, and any unlisted campers shall be appraised in the same manner as motor vehicles as provided in RCW 82.44.050.

Sec. 233. Section 82.44.060, chapter 15, Laws of 1961 as last amended by section 2, chapter 54, Laws of 1975-'76 2nd ex. sess. and RCW 82.44.060 are each amended to read as follows:

The excise tax hereby imposed shall be due and payable to the department of (~~motor vehicles~~) licensing or its agents at the time of registration of a motor vehicle. Whenever an application is made to the department of (~~motor vehicles~~) licensing or its agents for a license for a motor vehicle there shall be collected, in addition to the amount of the license fee or renewal license fee, the amount of the excise tax imposed by this chapter prorated to comply with the effective date of the annual schedule prepared pursuant to RCW 82.44.040, and no dealer's license or license plates, and no license or license plates for a motor vehicle shall be issued unless such tax is paid in full. The excise tax hereby imposed shall be collected for each registration year: PROVIDED, That the excise tax upon a motor vehicle licensed for the first time in this state after the last day of any registration month shall only be levied for the remaining months of the registration year including the month in which the motor vehicle is being licensed: PROVIDED FURTHER, That the tax shall in no case be less than two dollars.

A motor vehicle shall be deemed licensed for the first time in this state when such vehicle was not previously licensed by this state for the registration year immediately preceding the registration year in which the application for license is made or when the vehicle has been registered in another jurisdiction subsequent to any prior registration in this state.

No additional tax shall be imposed under this chapter upon any vehicle upon the transfer of ownership thereof if the tax imposed with respect to such vehicle has already been paid for the registration year or fraction of a registration year in which transfer of ownership occurs.

Sec. 234. Section 82.44.070, chapter 15, Laws of 1961 as last amended by section 2, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.070 are each amended to read as follows:

Whenever any person shall apply to the utilities and transportation commission for a permit or identification plates to operate a motor vehicle in interstate commerce, in any year, under the provisions of Title 81 RCW,

and it appears to said commission that the vehicle will be operated in the state less than fifty percent of the total mileage it will be operated in such year, said person shall pay the fee for such permit or plates to said commission, and shall also make to the department of ~~((motor vehicles))~~ licensing a partial payment of fifty percent of the full excise fee payable for that year on the vehicle under the provisions of this chapter, except in the following cases:

(1) If the excise fee for such vehicle, whether owned, leased or rented, for such year has theretofore been paid and such person furnishes a receipt, or other satisfactory proof, evidencing such payment, which receipt, or other evidence, after any necessary verification, shall be returned to him upon request; or

(2) If the application is for a permit or plates for a vehicle, licensed in another state, which will simply permit an occasional irregular trip or trips from another state into this state.

In either of the two above enumerated cases the director of ~~((motor vehicles))~~ licensing, in accounting to the state treasurer, shall note the reason for noncollection of the excise.

In any case where a person has paid the excise fee for any vehicle for any year and later applies to a county auditor for a motor vehicle license for such year, such auditor shall issue the license without collecting the excise fee but only after verifying such payment from the excise fee receipt, or from a signed statement, issued by the director of ~~((motor vehicles))~~ licensing, and in accounting to the state treasurer for such noncollection the auditor shall note the number of the receipt or the number of the identification plates issued by the utilities and transportation commission.

The director shall account for and pay over to the state treasurer, at the latest within thirty days after he has received payment, the excise fees he has collected under this chapter, and the state treasurer shall credit the same to the general fund.

It is the intent of this chapter that not more than one excise fee imposed under RCW 82.44.020 shall be collected for any vehicle for any year.

For the purposes of this section, the several provisions of this chapter applying to the county auditor shall apply to the utilities and transportation commission and those applying to the county assessor shall apply to the department of revenue.

Sec. 235. Section 82.44.110, chapter 15, Laws of 1961 as last amended by section 2, chapter 332, Laws of 1977 ex. sess. and RCW 82.44.110 are each amended to read as follows:

The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of ~~((motor vehicles))~~ licensing for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer, ninety-eight percent of which excise tax revenue shall upon receipt thereof be credited by

the state treasurer to the general fund, and two percent of which excise tax revenue shall be credited by the state treasurer to the motor vehicle fund to defray administrative and other expenses incurred by the state department of ~~((motor vehicles))~~ licensing in the collection of the excise tax: PROVIDED, That one hundred percent of the proceeds of the additional two-tenths of one percent excise tax imposed by RCW 82.44.020, as now or hereafter amended, shall be credited by the state treasurer to the Puget Sound capital construction account in the motor vehicle fund.

*\*Sec. 236. Section 82.44.120, chapter 15, Laws of 1961 as last amended by section 95, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.44.120 are each amended to read as follows:*

*Whenever any person has paid a motor vehicle license fee, and together therewith has paid an excise tax imposed under the provisions of this chapter, and the director of ~~((motor vehicles))~~ licensing determines that the payor is entitled to a refund of the entire amount of the license fee as provided by law, then he shall also be entitled to a refund of the entire excise tax collected under the provisions of this chapter. In case the director determines that any person is entitled to a refund of only a part of the license fee so paid, the payor shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected and the state treasurer shall determine the amount of such refund by reference to the applicable excise tax schedule prepared by the department of revenue and the association of county assessors.*

*In case no claim is to be made for the refund of the license fee or any part thereof but claim is made by any person that he has paid an erroneously excessive amount of excise tax, the department of ~~((motor vehicles))~~ licensing shall determine in the manner generally provided in this chapter the amount of such excess, if any, that has been paid and shall certify to the state treasurer that such person is entitled to a refund in such amount.*

*No refund of excise tax shall be allowed under the first paragraph of this section unless application for a refund of license fee is filed with the director of ~~((motor vehicles))~~ licensing within the period provided by law, and no such refund shall be allowed under the second paragraph of this section unless filed with the department of ~~((motor vehicles))~~ licensing within thirteen months after such claimed excessive excise tax was paid.*

*Any person authorized by the utilities and transportation commission to operate a motor vehicle for the conveyance of freight or passengers for hire as a common carrier or as a contract carrier, and so operating such vehicle partly within and partly outside of this state during any calendar year, shall be entitled to a refund of that portion of the full excise tax for such vehicle for such year that the mileage actually operated by such vehicle outside the state bears to the total mileage so operated both within and outside of the state: PROVIDED, If only one-half of the full excise fee was paid, the unpaid one-half shall be deducted from the amount of refund so determined:*

**PROVIDED FURTHER, If only a one-half fee was paid, and the vehicle was operated in this state more than fifty percent of the total miles operated, a balance of the tax is due equal to an amount which is the same percentage of the full excise fee as is the percentage of mileage the vehicle was operated in this state minus the one-half fee previously paid, and any balance due, is payable on or before the first day of June of the year in which the amount of the excise fee due the state has been determined, and until any such balance has been paid no identification plate or permit shall be thereafter issued for such vehicle or any other vehicle owned by the same person. Any claim for such refund shall be filed with the department of (~~motor vehicles~~) licensing at Olympia not later than December 31st of the calendar year following the year for which refund is claimed and any claim filed after said date shall not be allowed. When a claim is filed the applicant must therewith furnish to the department his affidavit, verified by oath, of the mileage so operated by such vehicle during the preceding year, within the state, outside of the state, and the total of all mileage so operated.**

**If the department approves the claim it shall notify the state treasurer to that effect, and the treasurer shall make such approved refunds and the other refunds herein provided for from the general fund and shall mail or deliver the same to the person entitled thereto.**

**Any person making any false statement, in the affidavit herein mentioned, under which he obtains any amount of refund to which he is not entitled under the provisions of this section, shall be guilty of a gross misdemeanor.**

\*Sec. 236. was vetoed, see message at end of chapter.

Sec. 237. Section 82.44.140, chapter 15, Laws of 1961 as amended by section 3, chapter 121, Laws of 1967 and RCW 82.44.140 are each amended to read as follows:

Any duties required by this chapter to be performed by the county auditor may be performed by any other person designated by the director of (~~motor vehicles~~) licensing and authorized by him to receive motor vehicle license fees and issue receipt therefor.

Sec. 238. Section 1, chapter 87, Laws of 1972 ex. sess. as amended by section 5, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.150 are each amended to read as follows:

(1) The director of (~~motor vehicles~~) licensing shall on the twenty-fifth day of February, May, August and November of each year, commencing with November, 1971, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department of (~~motor vehicles~~) licensing during the preceding calendar quarter ending on the last day of March, June, September and December, respectively, except for those payable under RCW 82.44.030 and 82.44.070, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:



The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.030 and 82.44.070, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of (~~program planning and fiscal~~) financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department of (~~motor vehicles~~) licensing shall make the following apportionment and distribution of motor vehicle excise taxes deposited in the general fund. A sum equal to seventeen percent thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth; a sum equal to seventy percent of all motor vehicle excise tax receipts shall be allocable to the state school equalization fund and credited and transferred each year in the following order of priority:

(a) The amount required and certified by the state finance committee each year as being necessary for payment of principal of and interest on bonds authorized by chapter 26, Laws of 1963 extraordinary session in the ensuing twelve months and any additional amounts required by the covenants of such bonds shall be transferred from the state school equalization fund to the 1963 public school building bond retirement fund.

(b) Any remaining amounts in the state school equalization fund from the motor vehicle excise taxes not required for debt service on the above bond issues shall be transferred and credited to the general fund.

(3) The amount payable to cities and towns shall be apportioned among the several cities and towns within the state ratably, on the basis of the population as last determined by the (~~board~~) office of financial management.

(4) When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise. In case it be adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

(5) The amount required to remit to a municipality the proceeds of the tax authorized under RCW 35.58.273 shall be remitted to the municipality levying such tax. The amount required to be remitted by the state treasurer to the treasurer of any municipality levying such tax shall not exceed in any one calendar year the amount of locally generated tax revenues other than the excise tax imposed under RCW 35.58.273, which shall have been budgeted by such municipality to be collected in such year for any public transportation purposes including but not limited to operating costs, capital costs and debt service on general obligation or revenue bonds issued for such purposes.

This section shall expire on June 30, 1981.

Sec. 239. Section 82.48.010, chapter 15, Laws of 1961 as amended by section 1, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.010 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

"Aircraft" means any weight-carrying device or structure for navigation of the air, designed to be supported by the air, but which is heavier than air;

"Director" means the director of ~~((the department of motor vehicles))~~ licensing; and

"Person" includes a firm, partnership or corporation.

Sec. 240. Section 82.48.020, chapter 15, Laws of 1961 as last amended by section 27, chapter 149, Laws of 1967 ex. sess. and RCW 82.48.020 are each amended to read as follows:

An annual excise tax is hereby imposed for the privilege of using any aircraft in the state. A current certificate of air worthiness with a current inspection date from the appropriate federal agency and/or the purchase of aviation fuel shall constitute the necessary evidence of aircraft use or intended use. The tax shall be collected for each calendar year by the director of ~~((the department of motor vehicles))~~ licensing, and must be paid during the month of January. No additional tax shall be imposed under this chapter upon any aircraft upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such aircraft has already been paid for the year in which transfer of ownership occurs. A penalty of five dollars shall be levied against all aircraft not timely registered ~~((: PROVIDED; That the excise tax herein provided for shall not be imposed or collected, for the year 1968 only, with regard to any aircraft on which an excise tax for the calendar year 1967 is paid prior to July 1, 1967, in accordance with section 82.48.020, chapter 15, Laws of 1961))~~.

*\*Sec. 241. Section 55, chapter 299, Laws of 1971 ex. sess. as amended by section 15, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.50.400 are each amended to read as follows:*

*An annual excise tax is imposed on the owner of any travel trailer or camper for the privilege of using such travel trailer or camper in this state. The tax shall be collected for each registration year by the department of ~~((motor vehicles))~~ licensing or the county auditor of the county in which the travel trailer or camper is located at the time payment is made and shall be due on and after the first day of the registration year or on the date the travel trailer or camper is first purchased or brought into this state, and paid on or before the first day of each registration year or thirty days after the travel trailer or camper is first purchased or brought into this state, whichever is later. No additional tax shall be imposed under this chapter upon any travel trailer or camper upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such travel trailer or camper has already been paid for the registration year or fractional part thereof in which such transfer occurs.*

*\*Sec. 241. was vetoed, see message at end of chapter.*

Sec. 242. Section 59, chapter 299, Laws of 1971 ex. sess. as amended by section 2, chapter 9, Laws of 1975 1st ex. sess. and RCW 82.50.440 are each amended to read as follows:

The county auditor or the department of ~~((motor vehicles))~~ licensing upon payment of the tax hereunder shall issue a receipt which shall include such information as may be required by the director, including the name of the taxpayer and a description of the travel trailer or camper, which receipt shall be printed by the department of ~~((motor vehicles))~~ licensing in such form as it deems proper and furnished by the department to the various county auditors of the state. The county auditor shall keep a record of the excise taxes paid hereunder during the calendar year.

*\*Sec. 243. Section 3, chapter 9, Laws of 1975 1st ex. sess. and RCW 82.50.471 are each amended to read as follows:*

*If any excise tax due hereunder is not paid when due and payable, the unpaid tax shall bear interest at the rate of six percent per annum from the time such tax is due and payable: PROVIDED, That the interest charge on the unpaid excise tax shall be waived when such interest is less than five dollars: AND PROVIDED FURTHER, The director may waive the interest on the unpaid excise tax when the interest exceeds five dollars and the department of ~~((motor vehicles))~~ licensing determines that the cost of processing the collection of the interest exceeds the amount of interest due.*

*The tax hereunder shall be a specific lien on the travel trailer or camper from and after the date it first becomes due hereunder, and shall include all charges authorized by this chapter, which lien shall have priority to and be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which the travel trailer or camper may become charged or liable, after July 1, 1975, and no sale or transfer of any*

*travel trailer or camper shall in any way affect the lien for such excise tax upon the travel trailer or camper.*

\*Sec. 243. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 244. The following sections are each decodified: RCW 43.24.022; RCW 46.01.061; and RCW 46.09.230.

NEW SECTION. Sec. 245. Section 46.04.680, chapter 12, Laws of 1961, section 2, chapter 32, Laws of 1967 and RCW 46.04.680 are each repealed.

NEW SECTION. Sec. 246. This 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 February 21, 1979.

Passed the Senate March 8, 1979.

Approved by the Governor March 30, 1979, with the exception of Section 6, Section 85, Section 176, Section 177, Section 178, Section 179, Section 180, Section 183, Section 226, Section 227, Section 228, Section 236, Section 241, and Section 243 which are vetoed.

Filed in Office of Secretary of State March 30, 1979.

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

"I am returning herewith without my approval as to fourteen sections House Bill No. 849 entitled:

"AN ACT Relating to state government;"

The purpose of the bill is to change statutory references to the "department of motor vehicles" and its predecessors to the "department of licensing." Several sections of the bill amend RCW sections which have been amended in other bills which made various substantive changes in the law and also make the same name change as House Bill No. 849. The table below sets forth the section of HB 849 vetoed, the RCW section affected, the other bill and its section number also making the name change, the date it was approved by me, and its 1979 session law chapter number.

[A table has been omitted from this veto message. See actual veto message for the table.]

The foregoing sections of House Bill No. 849 are therefore unnecessary and have been vetoed.

Sections 178 and 243 of the bill amend RCW 46.65.050 and 82.50.471, respectively. Because section 9(2) of Senate Bill No. 2068, chapter 62, Laws of 1979, approved by me on March 21, 1979, and section 5(3) of Senate Bill No. 2066, chapter 123, Laws of 1979, approved by me on March 26, 1979, repealed those sections of the RCW, sections 178 and 243 of House Bill No. 849 are therefore unnecessary.

With the exception of these fourteen sections which I have vetoed, the remainder of House Bill No. 849 is approved."