

((7)) (8) The commission shall adopt such rules and regulations as it finds appropriate for the administration of this section. Among other things, such rules and regulations shall prescribe a definition of "camping unit" which will authorize a reasonable number of persons traveling with the person having a senior citizen's pass to stay at the campsite rented by such person, a minimum Washington residency requirement for applicants for a senior citizen's pass and an application form to be completed by applicants for a senior citizen's pass.

Passed the House April 23, 1979.

Passed the Senate April 18, 1979.

Approved by the Governor May 4, 1979.

Filed in Office of Secretary of State May 4, 1979.

CHAPTER 132

[Substitute House Bill No. 697]

REPLEVIN—SHOW CAUSE HEARING—POSSESSION OF PROPERTY

AN ACT Relating to replevin; amending section 100, page 150, Laws of 1854 as last amended by section 142, Code of 1881 and RCW 7.64.010; amending section 101, page 150, Laws of 1854 as last amended by section 143, Code of 1881 and RCW 7.64.020; amending section 104, page 151, Laws of 1854 as last amended by section 146, Code of 1881 and RCW 7.64.050; amending section 109, page 151, Laws of 1854 as last amended by section 151, Code of 1881 and RCW 7.64.100; adding new sections to chapter 7.64 RCW; adding a new section to chapter 12.28 RCW; repealing section 102, page 150, Laws of 1854, section 142, page 35, Laws of 1869, section 144, page 30, Laws of 1877, section 144, Code of 1881 and RCW 7.64.030; repealing section 103, page 150, Laws of 1854, section 143, page 36, Laws of 1869, section 145, page 30, Laws of 1877, section 145, Code of 1881, section 15, chapter 51, Laws of 1957 and RCW 7.64.040; repealing section 109, page 242, Laws of 1854, section 108, page 356, Laws of 1873, section 1809, Code of 1881 and RCW 12.28.010; repealing section 110, page 242, Laws of 1854, section 109, page 356, Laws of 1873, section 1810, Code of 1881 and RCW 12.28.020; repealing section 111, page 243, Laws of 1854, section 110, page 356, Laws of 1873, section 1811, Code of 1881 and RCW 12.28.030; repealing section 112, page 243, Laws of 1854, section 111, page 356, Laws of 1873, section 1812, Code of 1881 and RCW 12.28.040; repealing section 113, page 243, Laws of 1854, section 112, page 357, Laws of 1873, section 1813, Code of 1881 and RCW 12.28.050; repealing section 114, page 243, Laws of 1854, section 113, page 357, Laws of 1873, section 1814, Code of 1881 and RCW 12.28.060; repealing section 115, page 244, Laws of 1854, section 114, page 357, Laws of 1873, section 1815, Code of 1881 and RCW 12.28.070; repealing section 116, page 244, Laws of 1854, section 115, page 358, Laws of 1873, section 1816, Code of 1881 and RCW 12.28.080; repealing section 117, page 244, Laws of 1854, section 116, page 358, Laws of 1873, section 1817, Code of 1881 and RCW 12.28.090; repealing section 118, page 244, Laws of 1854, section 117, page 358, Laws of 1873, section 1818, Code of 1881 and RCW 12.28.100; repealing section 119, page 244, Laws of 1854, section 118, page 359, Laws of 1873, section 1819, Code of 1881 and RCW 12.28.110; and prescribing penalties.

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

Section 1. Section 100, page 150, Laws of 1854 as last amended by section 142, Code of 1881 and RCW 7.64.010 are each amended to read as follows:

The plaintiff in an action to recover the possession of personal property may((; at the time of issuing the summons, or at any time before answer,))

claim and obtain the immediate delivery of such property, after a hearing, as ~~((herein))~~ provided in this chapter.

Sec. 2. Section 101, page 150, Laws of 1854 as last amended by section 143, Code of 1881 and RCW 7.64.020 are each amended to read as follows:

When a delivery is claimed, an affidavit shall be made by the plaintiff, or by someone in his behalf, showing:

(1) That the plaintiff is the owner of the property claimed, (particularly describing it,) or is lawfully entitled to the possession thereof, by virtue of a special property therein including a security interest, the facts in respect to which shall be set forth.

(2) That the property is wrongfully detained by defendant.

(3) That the same has not been taken for a tax, assessment, or fine pursuant to a statute, or seized under an execution or attachment against the property of the plaintiff; or if so seized, that it is by law exempt from such seizure. And,

(4) The actual value of the property.

At the time of filing the complaint or any time thereafter, the plaintiff may petition the judge or court commissioner to issue an order directing the defendant to appear and show cause why an order putting plaintiff in possession of the personal property should not be issued. The hearing shall be set no earlier than ten and no later than twenty-five days from the date of the order. The order shall contain the date, time, and place of the hearing. A certified copy of the order to show cause shall be served upon the defendant no later than five days before the hearing date, and a copy of the affidavit of the plaintiff shall be attached to the certified copy of the order to show cause.

Sec. 3. Section 104, page 151, Laws of 1854 as last amended by section 146, Code of 1881 and RCW 7.64.050 are each amended to read as follows:

At the hearing on the order to show cause or at any time before the delivery of the property to the plaintiff, the defendant may(~~(, if he do not except to the sureties of the plaintiff,)~~) require the return thereof, upon giving to the sheriff or filing with the court a bond executed by one or more sufficient sureties to the effect that they are bound in ~~((double))~~ an amount equal to the value of the (~~(property, as stated in the affidavit of the plaintiff, for the delivery thereof to the plaintiff, if such delivery be adjudged, and for the payment to him of such sum as may, for any cause, be recovered against the defendant))~~ bond filed by the plaintiff. If a return of the property be not so required within three days after the taking and service of notice to the defendant, it shall be delivered to the plaintiff, except as provided in RCW 7.64.100.

Sec. 4. Section 109, page 151, Laws of 1854 as last amended by section 151, Code of 1881 and RCW 7.64.100 are each amended to read as follows:

If the property taken be claimed by any ((~~other~~)) person other than the defendant or his agent, and such person make affidavit of his title thereto, or his right to the possession thereof, stating the grounds of such title or right, and serve the same upon the sheriff before the delivery of the property to the plaintiff, the sheriff shall not be bound to keep the property or deliver it to the plaintiff, unless the plaintiff, on demand indemnify the sheriff against such claim by a bond, executed by ((~~two~~)) one or more sufficient sureties, ((~~accompanied by their affidavits that they are each worth double the value of the property, as specified in the affidavit of plaintiff, over and above their debts and liabilities, exclusive of property exempt from execution, and freeholders or householders of the county;~~)) and no claim to such property by any ((~~other~~)) person other than the defendant or his agent shall be valid against the sheriff, unless made as aforesaid; and notwithstanding such claim, when so made, he may retain the property a reasonable time to demand such indemnity.

NEW SECTION. Sec. 5. There is added to chapter 7.64 RCW a new section to read as follows:

The judge or court commissioner, at the hearing on the order to show cause, may issue an order awarding possession of the property to the plaintiff and directing the sheriff to put plaintiff in possession of the property if the plaintiff establishes his right to obtain possession of the property, pending final disposition, or if defendant, after being served with the order to show cause, fails to appear at the hearing. Before the order may issue prior to final judgment the plaintiff shall execute to defendant and file in the court a bond in such sum as the court may order, with sufficient surety to be approved by the clerk, conditioned that the plaintiff will prosecute his action without delay, and will pay all costs that may be adjudged to the defendant, and all damages, court costs, including reasonable attorneys' fees, and costs of recovery which he may sustain by reason of the order having been issued, should the same be wrongfully sued out.

If more than twenty days have elapsed since service of the summons and complaint, the judge or court commissioner may also enter a final judgment awarding plaintiff possession, damages, court costs, including reasonable attorneys' fees, and costs of recovery unless defendant raises an issue of fact prior to or at the hearing to show cause which requires a trial on the issue of possession or damages.

NEW SECTION. Sec. 6. There is added to chapter 7.64 RCW a new section to read as follows:

Upon issuance of the order for the recovery of property, the plaintiff shall provide the sheriff with all available information as to the location and identity of the defendant and the property claimed. The plaintiff shall deliver a certified copy of the order to show cause and the affidavit of the plaintiff to the sheriff. The sheriff shall leave a copy of the order, affidavit,

and bond with the defendant, his agent, his attorney, or the person in possession of the property when the property is taken by the sheriff.

If the property is returned to the plaintiff by the defendant or the plaintiff otherwise obtains possession of the property, the plaintiff shall notify the sheriff of this as soon as possible.

NEW SECTION. Sec. 7. There is added to chapter 7.64 RCW a new section to read as follows:

The remedies of the plaintiff under this chapter are in addition to any other remedy available to the plaintiff, including the right of repossession.

NEW SECTION. Sec. 8. There is added to chapter 12.28 RCW a new section to read as follows:

The plaintiff in an action to recover the possession of personal property may claim and obtain the immediate delivery of the property, after a hearing, as provided in chapter 7.64 RCW.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) Section 102, page 150, Laws of 1854, section 142, page 35, Laws of 1869, section 144, page 30, Laws of 1877, section 144, Code of 1881 and RCW 7.64.030;

(2) Section 103, page 150, Laws of 1854, section 143, page 36, Laws of 1869, section 145, page 30, Laws of 1877, section 145, Code of 1881, section 15, chapter 51, Laws of 1957 and RCW 7.64.040;

(3) Section 109, page 242, Laws of 1854, section 108, page 356, Laws of 1873, section 1809, Code of 1881 and RCW 12.28.010;

(4) Section 110, page 242, Laws of 1854, section 109, page 356, Laws of 1873, section 1810, Code of 1881 and RCW 12.28.020;

(5) Section 111, page 243, Laws of 1854, section 110, page 356, Laws of 1873, section 1811, Code of 1881 and RCW 12.28.030;

(6) Section 112, page 243, Laws of 1854, section 111, page 356, Laws of 1873, section 1812, Code of 1881 and RCW 12.28.040;

(7) Section 113, page 243, Laws of 1854, section 112, page 357, Laws of 1873, section 1813, Code of 1881 and RCW 12.28.050;

(8) Section 114, page 243, Laws of 1854, section 113, page 357, Laws of 1873, section 1814, Code of 1881 and RCW 12.28.060;

(9) Section 115, page 244, Laws of 1854, section 114, page 357, Laws of 1873, section 1815, Code of 1881 and RCW 12.28.070;

(10) Section 116, page 244, Laws of 1854, section 115, page 358, Laws of 1873, section 1816, Code of 1881 and RCW 12.28.080;

(11) Section 117, page 244, Laws of 1854, section 116, page 358, Laws of 1873, section 1817, Code of 1881 and RCW 12.28.090;

(12) Section 118, page 244, Laws of 1854, section 117, page 358, Laws of 1873, section 1818, Code of 1881 and RCW 12.28.100; and

(13) Section 119, page 244, Laws of 1854, section 118, page 359, Laws of 1873, section 1819, Code of 1881 and RCW 12.28.110.

Passed the House April 23, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor May 4, 1979.

Filed in Office of Secretary of State May 4, 1979.

CHAPTER 133

[House Bill No. 33]

SECRETARY OF STATE—FEES FOR FURNISHING CERTIFICATES AND COPIES

AN ACT Relating to corporations; amending section 136, chapter 53, Laws of 1965 as amended by section 4, chapter 133, Laws of 1971 ex. sess. and RCW 23A.40.030; amending section 83, chapter 235, Laws of 1967 as amended by section 6, chapter 163, Laws of 1969 ex. sess. and RCW 24.03.410; and amending section 91, chapter 120, Laws of 1969 ex. sess. as amended by section 3, chapter 70, Laws of 1973 and RCW 24.06.455.

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

Section 1. Section 136, chapter 53, Laws of 1965 as amended by section 4, chapter 133, Laws of 1971 ex. sess. and RCW 23A.40.030 are each amended to read as follows:

The secretary of state shall charge and collect in advance from every person or domestic and foreign corporation, except corporations organized under the laws of this state for which existing law provides a different fee schedule:

(1) For furnishing a certified copy of any charter document~~((, instrument or paper))~~ relating to a corporation, five dollars;

(2) For furnishing a certified copy of any other document, instrument or paper relating to a corporation, two dollars for the certificate, plus ten cents for each page copied;

(3) For furnishing a certificate, under seal, attesting to the status of a corporation; or any other certificate, two dollars;

(4) For furnishing copies of any document, instrument or paper relating to a corporation, ten cents for each page copied;

(5) At the time of any service of process on him as agent of a corporation, five dollars, which amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

~~((The secretary of state shall also charge and collect from every person, organization, or group for furnishing copies of any document, instrument or~~