

any surety upon the bond given to the county by or for the contract to secure the performance of his contract or to secure the payment of persons who have performed work thereon, furnished materials therefor, or furnished provisions and supplies for the carrying on of the work.

The county treasurer may accept warrants against any county road improvement fund upon such conditions as the board may prescribe in payment of: (1) Assessments levied to supply that fund in due order of priority; (2) judgments rendered against property owners who have become delinquent in the payment of assessments to that fund; and (3) certificates of purchase in cases where property of delinquents has been sold under execution or at tax sale for failure to pay assessments levied to supply that fund.

NEW SECTION. Sec. 7. 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 Senate February 26, 1980.

Passed the House February 19, 1980.

Approved by the Governor March 10, 1980.

Filed in Office of Secretary of State March 10, 1980.

CHAPTER 101

[Engrossed Substitute Senate Bill No. 3309]

OCULARISTS, LICENSURE

AN ACT Relating to ocularists; adding a new chapter to Title 18 RCW; and defining crimes.

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

NEW SECTION. Section 1. (1) Nothing in this chapter shall:

(a) Be construed to limit or restrict a duly licensed physician or employees working under the personal supervision of a duly licensed physician from the practices enumerated in this chapter;

(b) Be construed to prohibit an unlicensed person from performing mechanical work upon inert matter in an ocularist's office or laboratory;

(c) Be construed to authorize or permit a licensee under this chapter to hold himself or herself out as being able to, or to offer to, or to undertake to attempt, by any manner of means, to examine or exercise eyes, or diagnose, treat, correct, relieve, operate, or prescribe for disease or any visual deficiency.

(2) Each practitioner duly licensed pursuant to chapters 18.53, 18.57, and 18.71 RCW shall have all the rights and privileges which may accrue under this chapter to ocularists licensed under this chapter.

NEW SECTION. Sec. 2. The terms defined in this section shall have the meaning ascribed to them wherever appearing in this chapter, unless a different meaning is specifically used to such term in such statute.

(1) "Director" means the director of licenses.

(2) "Ocularist" means a person who designs, fabricates, and fits ocular prosthetic appliances. An ocularist is authorized to perform the necessary procedures to provide an ocular prosthetic service for the patient in the ocularist's office or laboratory on prescription of a physician. The ocularist is authorized to make judgment on the needed care, replacement, and use of an ocular prosthetic appliance. The ocularist is authorized to design, fabricate, and fit human prosthetics in the following categories:

(a) Stock and custom prosthetic eyes;

(b) Stock and custom therapeutic scleral shells;

(c) Stock and custom therapeutic painted iris shells;

(d) External orbital and facial prosthetics; and

(e) Ocular conformers: PROVIDED, That nothing herein shall be construed to allow the fitting or fabricating of contact lenses.

(3) "Apprentice" means a person designated an apprentice in the records of the director at the request of a licensed ocularist, and who shall thereafter receive from such licensee training and direct supervision in the work of an ocularist.

NEW SECTION. Sec. 3. Upon receipt of an application for a license and the license fee as determined by the director, the director shall issue a license if the applicant meets the requirements established under this chapter. The license, unless suspended or revoked, shall be renewed annually. All licenses issued under the provisions of this chapter shall expire on the 1st day of July.

NEW SECTION. Sec. 4. (1) No applicant for a license shall be registered under this chapter until the applicant pays an examination fee as shall be determined by the director as provided in RCW 43.24.085, and certifies under oath that the applicant:

(a) Is eighteen years or more of age;

(b) Has graduated from high school;

(c) Is of good moral character; and

(d) Has either:

(i) Had at least five years of apprenticeship training under a licensed ocularist in the state of Washington; or

(ii) Successfully completed a prescribed course in ocularist training programs in a college, teaching facility, or university approved by the director; or

(iii) Been principally engaged in practicing as an ocularist outside the state of Washington for eight years and shall have been employed by a licensed ocularist or physician for one year in the state of Washington; and

(iv) Successfully passes with a grade of at least seventy-five percent, an examination, conducted by the director, which shall determine whether the applicant has a thorough knowledge of the principles governing the practice of an ocularist.

(2) The director shall issue a license without examination to any person who makes application therefor within six months after the effective date of this act, pays a fee as determined by the director, and certifies under oath that the applicant has been actually and principally engaged in the practice of an ocularist in the state of Washington for a period of not less than five years immediately preceding the effective date of this act.

(3) Any person who on the effective date of this act (a) is employed as apprentice by a person who is principally engaged in the practice of an ocularist, (b) registers with the director prior to one hundred twenty days after the effective date of this act, and (c) furnishes the director a statement, under oath, and certified as correct by the employer, as to the length of time of such employment shall be given credit for such period towards compliance with the requirement for five years' apprenticeship.

NEW SECTION. Sec. 5. (1) No licensee under this chapter may have more than two apprentices in training at one time.

(2) The licensee shall be responsible for the acts of the apprentices in the performance of their work in the apprenticeship program.

(3) Apprentices shall complete their apprenticeship in eight years and shall not work longer as an apprentice unless the director determines, after a hearing, that the apprentice was prevented by causes beyond his or her control from completing the apprenticeship and becoming a licensee hereunder in eight years.

NEW SECTION. Sec. 6. A license may be suspended or revoked when a licensee:

(1) Has been convicted of a felony involving moral turpitude related to the practice of an ocularist;

(2) Is addicted to the use of alcohol or any drug;

(3) Has used advertising, whether printed, radio, display, or of any other nature, which is fraudulent, misleading, deceptive, or inaccurate in any material particular, or misrepresents in any way any goods, services, credit terms, values, policies, services, or the nature or form of the business conducted;

(4) Has practiced fraud or deception in the application for or during the examination for license;

(5) Has participated in the division, assignment, rebate, or refund of fees to a physician in consideration of patient referrals;

(6) Has bartered or given away as premiums in any manner either on the licensee's own account or as agent or representative for any other person;

(7) Has employed, either directly or indirectly, any person commonly known as "cappers" or "steerers" to obtain business;

(8) Has solicited or employed any person to solicit from house to house;

(9) Has used advertising offering a service to the public for which the licensee is not licensed under this chapter: PROVIDED, That nothing in

this section shall prohibit the ocularist from advertising merchandise for which the license which is the subject of this chapter is not required;

(10) Has engaged in a group contract for the ocularist's services without a prescription from a physician; or

(11) Has advertised the services of any other segment of the healing arts.

NEW SECTION. Sec. 7. Every licensee under this chapter shall pay an annual renewal registration fee determined by the director, as provided by RCW 43.24.085, on or before the 1st day of July of each year, and thereupon the license of such person shall be renewed for a period of one year. An application for renewal shall be on the form provided by the director and shall be filed with the department of licensing not less than ten days prior to its expiration. Each application for renewal shall be accompanied by a license fee as shall be determined by the director. Any license not renewed as provided in this section shall render the license invalid but such licensee shall be reinstated upon written application therefore to the director and payment of a renewal fee to the director as provided in RCW 43.24.085, together with all delinquent annual renewal license fees.

NEW SECTION. Sec. 8. The director, after a hearing, may for cause reissue or reinstate the license of a person whose license has been revoked or suspended.

NEW SECTION. Sec. 9. It shall be a gross misdemeanor for any person to practice as an ocularist without a license or while the license is suspended or revoked.

NEW SECTION. Sec. 10. If any person engaged in the practice of an ocularist without possessing a valid license to do so, the attorney general, any prosecuting attorney, the director, or any citizen who resides in the same county as said practitioner who operates an office, may maintain an action in the name of the state of Washington to enjoin such person from engaging in practice as an ocularist. The injunction shall not relieve from criminal prosecution, but the remedy by injunction shall be in addition to the liability of such offender to criminal prosecution and to suspension or revocation of the license: PROVIDED, HOWEVER, That nothing in this chapter shall be deemed to prevent any licensed physician, licensed optometrist, or licensed dispensing optician from making any examination or performing any act permitted or authorized by law.

NEW SECTION. Sec. 11. 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. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 18 RCW.

Passed the Senate February 22, 1980.

Passed the House February 18, 1980.

Approved by the Governor March 10, 1980.

Filed in Office of Secretary of State March 10, 1980.

CHAPTER 102

[Senate Bill No. 3318]

INSURANCE LICENSURE—FINES, BONDS, COVERAGE, ARSON REPORTING IMMUNITY

AN ACT Relating to insurance; amending section 3, chapter 70, Laws of 1965 ex. sess. as amended by section 3, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.05.185; amending section .15.02, chapter 79, Laws of 1947 and RCW 48.15.020; amending section .15.07, chapter 79, Laws of 1947 as last amended by section 3, chapter 130, Laws of 1979 ex. sess. and RCW 48.15.070; amending section .15.09, chapter 79, Laws of 1947 as last amended by section 6, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.15.090; amending section .15.13, chapter 79, Laws of 1947 and RCW 48.15.130; amending section .15.14, chapter 79, Laws of 1947 and RCW 48.15.140; amending section .18.29, chapter 79, Laws of 1947 as last amended by section 5, chapter 199, Laws of 1979 ex. sess. and RCW 48.18.290; amending section .18.30, chapter 79, Laws of 1947 as last amended by section 8, chapter 199, Laws of 1979 ex. sess. and RCW 48.18.300; amending section 7, chapter 80, Laws of 1979 ex. sess. and RCW 48.50.070; and amending section 1, chapter 268, Laws of 1947 as last amended by section 1, chapter 87, Laws of 1965 and RCW 48.44.010.

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

Section 1. Section 3, chapter 70, Laws of 1965 ex. sess. as amended by section 3, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.05.185 are each amended to read as follows:

After hearing or with the consent of the insurer and in addition to or in lieu of the suspension, revocation, or refusal to renew any certificate of authority the commissioner may levy a fine upon the insurer in an amount not less than two hundred fifty dollars and not more than ~~((five))~~ ten thousand dollars. The order levying such fine shall specify the period within which the fine shall be fully paid and which period shall not be less than fifteen nor more than thirty days from the date of such order. Upon failure to pay any such fine when due the commissioner shall revoke the certificate of authority of the insurer if not already revoked, and the fine shall be recovered in a civil action brought in behalf of the commissioner by the attorney general. Any fine so collected shall be paid by the commissioner to the state treasurer for the account of the general fund.

Sec. 2. Section .15.02, chapter 79, Laws of 1947 and RCW 48.15.020 are each amended to read as follows:

(1) An insurer not thereunto authorized by the commissioner shall not solicit insurance business in this state, nor transact insurance business in this state except as provided in this chapter.