

~~((However, this section shall not apply if))~~ (2) There is destruction of the facility because of an act of God or the result of a negligent and/or criminal act.

NEW SECTION. Sec. 4. There is added to chapter 70.48 RCW a new section to read as follows:

For the purposes of RCW 70.48.080, "full or partial closure" of a jail means the nonuse of a jail or a defined portion thereof for incarceration purposes. The term does not mean limitations on jail programs, services, capacities, or lengths of incarceration time.

NEW SECTION. Sec. 5. There is added to chapter 70.48 RCW a new section to read as follows:

All cities or counties which accept funding for jail remodeling or new construction under this chapter shall certify to the commission that the facility to be built shall, upon opening, meet all mandatory custodial care standards adopted by the commission under RCW 70.48.050. The commission shall not make funding under this chapter contingent on compliance of the existing jail facility with standards adopted under RCW 70.48.050.

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CHAPTER 277

[Substitute Senate Bill No. 3456]

PUBLIC RECORDS

AN ACT Relating to public records; amending section 3, chapter 57, Laws of 1891 as amended by section 12, chapter 81, Laws of 1971 and RCW 2.32.050; amending section 8, chapter 5, Laws of 1919 as amended by section 21, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.25.050; amending section 15, chapter 5, Laws of 1919 as amended by section 7, chapter 227, Laws of 1971 ex. sess. and RCW 18.25.090; amending section 31, chapter 16, Laws of 1923 as amended by section 32, chapter 158, Laws of 1979 and RCW 18.29.060; amending section 22, chapter 112, Laws of 1935 as amended by section 29, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.080; amending section 27, chapter 52, Laws of 1957 and RCW 18.32.090; amending section 7, chapter 112, Laws of 1935 and RCW 18.32.190; amending section 13, chapter 144, Laws of 1919 as last amended by section 56, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.53.050; amending section 15, chapter 4, Laws of 1919 and RCW 18.57.160; amending section 36.23.065, chapter 4, Laws of 1963 as last amended by section 1, chapter 14, Laws of 1973 and RCW 36.23.065; repealing section 10, chapter 112, Laws of 1935, section 31, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.32.200; repealing section 12, chapter 112, Laws of 1935 and RCW 18.32.300; repealing section 6, chapter 36, Laws of 1919 and RCW 18.36.110; repealing section 5, chapter 160, Laws of 1917 and RCW 18.50.070; repealing section 6, chapter 160, Laws of 1917 and RCW 18.50.080; repealing section 8, chapter 4, Laws of 1919 and RCW 18.57.100; and repealing section 9, chapter 4, Laws of 1919 and RCW 18.57.110.

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

Section 1. Section 3, chapter 57, Laws of 1891 as amended by section 12, chapter 81, Laws of 1971 and RCW 2.32.050 are each amended to read as follows:

The clerk of the supreme court, each clerk of the court of appeals, and each clerk of a superior court, has power to take and certify the proof and acknowledgment of a conveyance of real property, or any other written instrument authorized or required to be proved or acknowledged, and to administer oaths in every case when authorized by law; and it is the duty of the clerk of the supreme court, each clerk of the court of appeals, and of each county clerk for each of the courts for which he is clerk—

(1) To keep the seal of the court and affix it in all cases where he is required by law.

(2) To record the proceedings of the court.

(3) To keep the records, files and other books and papers appertaining to the court.

(4) To file all papers delivered to him for that purpose in any action or proceeding in the court as directed by court rule or statute.

(5) To attend the court of which he is clerk, to administer oaths, and receive the verdict of a jury in any action or proceeding therein, in the presence and under the direction of the court.

(6) To keep the journal of the proceedings of the court, and, under the direction of the court, to enter its orders, judgments and decrees.

(7) To authenticate by certificate or transcript, as may be required, the records, files or proceedings of the court, or any other paper appertaining thereto and filed with him.

(8) To exercise the powers and perform the duties conferred and imposed upon him elsewhere by statute.

(9) In the performance of his duties to conform to the direction of the court.

(10) To publish notice of the procedures for inspection of the public records of the court.

Sec. 2. Section 8, chapter 5, Laws of 1919 as amended by section 21, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.25.050 are each amended to read as follows:

(1) The director may refuse to grant or may revoke a license to practice chiropractic in this state (~~((or may cause a licentiate's name to be removed from the records in the office of the county clerk of any county in this state))~~) upon any of the following grounds, to wit: The employment of fraud or deception in applying for a license or in passing an examination provided for in this chapter; the practice of chiropractic under a false or assumed name, or the impersonation of another practitioner of like or different name; the conviction of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits, controlled substances, or stimulants to such an

extent as to incapacitate him or her for the performance of his or her professional duties; exploiting or advertising through the press, or by the use of handbills, circulars, or other periodicals, other than professional cards, giving only name, address, profession, office hours, and telephone connections. Any person who is a licentiate, or who is an applicant for a license to practice chiropractic against whom any of the foregoing grounds for revoking or refusing a license, is presented to said director with a view of having the director revoke or refuse to grant a license, shall be furnished with a copy of the complaint, and shall have a hearing before said director in person or by attorney, and witnesses may be examined by said director respecting the guilt or innocence of said accused.

(2) Said director may at any time within two years of the refusal or revocation or cancellation of registration under this section, issue a new license or grant a license to the person affected, restoring him to, or conferring upon him all the rights and privileges of, and pertaining to the practice of chiropractic as defined and regulated by this chapter. Any person to whom such have been restored shall pay to the director a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended upon issuance of a new license.

Sec. 3. Section 15, chapter 5, Laws of 1919 as amended by section 7, chapter 227, Laws of 1971 ex. sess. and RCW 18.25.090 are each amended to read as follows:

Any person who shall practice or attempt to practice chiropractic, or any person who shall buy, sell or fraudulently obtain any diploma or license to practice chiropractic, (~~whether recorded or not,~~) or who shall use the title chiropractor, D.C.Ph.C., or any word or title to induce belief that he is engaged in the practice of chiropractic without first complying with the provisions of this chapter, or any person who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor, and every person (~~filing for record, or attempting to file for record, the certificate issued to another;~~) falsely claiming himself to be the person named in (~~said~~) a certificate issued to another, or falsely claiming himself to be the person entitled to the same, shall be guilty of a felony. All subsequent offenses shall be punished in like manner. Nothing herein shall be held to apply to or to regulate any kind of treatment by prayer: PROVIDED, That on all cards, books, papers, signs or other written or printed means of giving information to the public, used by those licensed by this chapter to practice chiropractic, the practitioner shall use after or below his name the term chiropractor or D.C.Ph.C. designating his line of drugless practice, and shall not use the letters M.D. or D.O.: PROVIDED, That the word doctor or "Dr." may be used only in conjunction with the word "chiropractic" or "chiropractor".

Sec. 4. Section 31, chapter 16, Laws of 1923 as amended by section 32, chapter 158, Laws of 1979 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 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)~~). The license shall be displayed in a conspicuous place in the operation room where such licensee shall practice.

Sec. 5. Section 22, chapter 112, Laws of 1935 as amended by section 29, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.080 are each amended to read as follows:

The said director is charged with the duty of enforcing this chapter and it shall be the duty of any prosecuting attorney on the complaint of the director, the state board of dental examiners, the dental disciplinary board, or of any member of either board to prosecute any violation of this chapter. ~~The certificate of ((the county auditor of the county in which any such proceeding shall be pending and/or the certificate of))~~ said director certifying in substance to the facts shown of record in ~~((their respective offices))~~ departmental files, or ~~((of))~~ to the fact((s)) that no license required by this chapter has been issued~~((, registered))~~ or renewed, shall be prima facie evidence in such proceeding of the truth of such certificate.

Sec. 6. Section 27, chapter 52, Laws of 1957 and RCW 18.32.090 are each amended to read as follows:

No person, unless previously ~~((registered or))~~ licensed to practice dentistry in this state, shall begin the practice of dentistry or dental surgery, or any branches thereof, without first applying to, and obtaining a license therefor from the director.

Sec. 7. Section 7, chapter 112, Laws of 1935 and RCW 18.32.190 are each amended to read as follows:

~~((Any person licensed to practice dentistry in this state by the director as hereinbefore provided, shall, personally, and within ninety days from the date of issue, cause such license to be registered with the county auditor of such county or counties in which such person desires to or shall engage in the practice of dentistry, and the county auditors of the several counties of this state shall charge for registering such license a fee of fifty cents for each registration: AND IT IS HEREBY PROVIDED, FURTHER, That))~~. Every person who engages in the practice of dentistry in this state shall cause his or her license to be ((registered with the county auditor before beginning the practice of dentistry in said county, and to be)), at all times, displayed in a conspicuous place, in his or her office wherein he or she shall practice such profession, and shall further, whenever requested, exhibit such license to any of the members of said board, or its authorized agent, and to

the director or his authorized agent (~~(: AND IT IS FURTHER PROVIDED, That)~~). Every licensee shall notify the director of the address or addresses, and of every change thereof, where the licensee shall engage in the practice of dentistry.

Sec. 8. Section 13, chapter 144, Laws of 1919 as last amended by section 56, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.53.050 are each amended to read as follows:

During the month of January of each year, every registered optometrist shall pay to the state treasurer a renewal fee, to be determined by the director as provided in RCW 43.24.085 as now or hereafter amended, and failure to pay such fee within the prescribed time shall cause the suspension of his certificate. The state treasurer shall place two dollars and forty cents from each renewal fee into the general fund and shall place the balance into an optometry account which is hereby created for the enforcement of this chapter. Any residue in such account shall be accumulated and shall not revert to the general fund at the end of any biennium.

In the event of failure to pay the renewal fee, the director shall mail a notice of such suspension to the last known post office address of the holder between the first and fifth days of February, March, and April next following and if the fee is not paid by May 1st the director may declare the certificate revoked (~~(and immediately notify the county clerk of the county in which the certificate is recorded, and the clerk shall mark his records accordingly)~~).

Sec. 9. Section 15, chapter 4, Laws of 1919 and RCW 18.57.160 are each amended to read as follows:

Every person (~~(filing for record, or attempting to file for record, the certificate issued to another,)~~) falsely claiming himself to be the person named in (~~(such)~~) a certificate issued to another, or falsely claiming himself to be the person entitled to the same, shall be guilty of a felony, and, upon conviction thereof, shall be subject to such penalties as are provided by the laws of this state for the crime of forgery.

Sec. 10. Section 36.23.065, chapter 4, Laws of 1963 as last amended by section 1, chapter 14, Laws of 1973 and RCW 36.23.065 are each amended to read as follows:

Notwithstanding any other law relating to the destruction of court records, the county clerk may cause to be destroyed all documents, records, instruments, books, papers, depositions, and transcripts, in any action or proceeding in the superior court, or otherwise filed in his office pursuant to law, if all of the following conditions exist:

(1) (~~(Six years have elapsed since the filing of any paper in the action or proceeding and the records of the county clerk do not show that the action or proceeding is pending on appeal in any court.~~

(2)) The county clerk maintains for the use of the public a photographic film, microphotographic, photostatic or similar reproduction of each document, record, instrument, book, paper, deposition, or transcript so destroyed: PROVIDED, That all receipts and canceled checks filed by a personal representative pursuant to RCW 11.76.100 (~~and complying with condition (1) above;~~) may be removed from the file by order of the court and destroyed the same as an exhibit pursuant to RCW 36.23.070.

~~((3))~~ (2) At the time of the taking of said photographic film, microphotographic, photostatic or similar reproduction, the county clerk or other person under whose direction and control the same was taken, attached thereto, or to the sealed container in which the same was placed and has been kept, or incorporated in said photographic film, microphotographic, photostatic or similar reproduction, a certification that the copy is a correct copy of the original, or of a specified part thereof, as the case may be, the date on which taken, and the fact it was taken under his direction and control. The certificate must be under the official seal of the certifying officer, if there be any, or if he be the clerk of a court having a seal, under the seal of such court.

~~((4))~~ (3) The county clerk promptly seals and stores at least one original negative of each such photographic film, microphotographic, photostatic or similar reproduction in such manner and place as reasonably to assure its preservation indefinitely against loss, theft, defacement, or destruction.

NEW SECTION. Sec. 11. (1) The following acts or parts of acts are each repealed:

- (a) Section 10, chapter 112, Laws of 1935, section 31, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.32.200;
- (b) Section 12, chapter 112, Laws of 1935 and RCW 18.32.300;
- (c) Section 6, chapter 36, Laws of 1919 and RCW 18.36.110;
- (d) Section 5, chapter 160, Laws of 1917 and RCW 18.50.070;
- (e) Section 6, chapter 160, Laws of 1917 and RCW 18.50.080;
- (f) Section 8, chapter 4, Laws of 1919 and RCW 18.57.100; and
- (g) Section 9, chapter 4, Laws of 1919 and RCW 18.57.110.

(2) Records of licenses and certificates filed with county officials under the sections repealed in subsection (1) of this section shall be transferred to the department of licensing.

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