

any person or persons performing such services or furnishing material to any subcontractor shall have the same right under the provisions of such bond as if such work, services or material was furnished to the original contractor: PROVIDED, HOWEVER, That the provisions of RCW 39.08-.010 through 39.08.030 shall not apply to any money loaned or advanced to any such contractor, subcontractor or other person in the performance of any such work: PROVIDED FURTHER, That on contracts of ~~((two))~~ twenty-five thousand dollars or less, at the option of the contractor the respective public entity may, in lieu of the bond, retain ~~((one hundred))~~ fifty percent of the contract amount for a period of thirty days after date of final acceptance, or until receipt of all necessary releases from the department of revenue and the department of labor and industries and settlement of any liens filed under chapter 60.28 RCW, whichever is later.

Passed the Senate March 11, 1982.

Passed the House March 11, 1982.

Approved by the Governor March 31, 1982.

Filed in Office of Secretary of State March 31, 1982.

CHAPTER 99

[Senate Bill No. 4749]

ELIGIBILITY TO VOTE AND HOLD OFFICE—UNCONSTITUTIONAL PROVISION REPEALED

AN ACT Relating to eligibility to vote and hold office; and repealing section 1, page 64, Laws of 1854, section 3050, Code of 1881 and RCW 42.04.021.

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

NEW SECTION. Section 1. Section 1, page 64, Laws of 1854, section 3050, Code of 1881 and RCW 42.04.021 are each repealed.

Passed the Senate February 18, 1982.

Passed the House March 9, 1982.

Approved by the Governor March 31, 1982.

Filed in Office of Secretary of State March 31, 1982.

CHAPTER 100

[Senate Bill No. 4691]

TORT FEASORS—COMPARATIVE FAULT AND CONTRIBUTION— TECHNICAL CORRECTIONS

AN ACT Relating to technical corrections in the law of comparative fault and contribution among tort feasers; amending section 12, chapter 27, Laws of 1981 and RCW 4.22.040; amending section 15, chapter 27, Laws of 1981 and RCW 4.22.920; creating a new section; and declaring an emergency.

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

Section 1. Section 12, chapter 27, Laws of 1981 and RCW 4.22.040 are each amended to read as follows:

(1) A right of contribution exists between or among two or more persons who are jointly and severally liable upon the same indivisible claim for the same injury, death or harm, whether or not judgment has been recovered against all or any of them. It may be enforced either in the original action or by a separate action brought for that purpose. The basis for contribution among liable persons is the comparative fault of each such person. However, the court may determine that two or more persons are to be treated as a single person for purposes of contribution.

(2) Contribution is available to a person who enters into a settlement with a claimant only (a) if the liability of the person against whom contribution is sought has been extinguished by the settlement and (b) to the extent that the amount paid in settlement was reasonable at the time of the settlement.

(3) The common law right of indemnity between active and passive tortfeasors is abolished: PROVIDED, That the common law right of indemnity between active and passive tortfeasors is not abolished in those cases to which a right of contribution by virtue of RCW 4.22.920(2) does not apply.

Sec. 2. Section 15, chapter 27, Laws of 1981 and RCW 4.22.920 are each amended to read as follows:

(1) This amendatory act shall apply to all claims arising on or after July 26, 1981.

(2) Notwithstanding subsection (1) of this section, RCW 4.22.040 (~~and~~), 4.22.050, and 4.22.060 shall also apply to all actions in which trial on the underlying action has not taken place prior to July 26, 1981, except that there is no right of contribution in favor of or against any party who has, prior to July 26, 1981, entered into a release, covenant not to sue, covenant not to enforce judgment, or similar agreement with the claimant.

NEW SECTION. Sec. 3. In accordance with section 15(1), chapter 27, Laws of 1981, the repeal of RCW 4.22.010 by section 17, chapter 27, Laws of 1981 applies only to claims arising on or after July 26, 1981. RCW 4.22.010 shall continue to apply to claims arising prior to July 26, 1981.

NEW SECTION. Sec. 4. 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. 5. 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 18, 1982.

Passed the House March 9, 1982.

Approved by the Governor March 31, 1982.

Filed in Office of Secretary of State March 31, 1982.

CHAPTER 101

[Substitute Senate Bill No. 4826]

LAW ENFORCEMENT VEHICLES—SIRENS AND LIGHTS

AN ACT Relating to law enforcement vehicles; amending section 46.37.190, chapter 12, Laws of 1961 as last amended by section 1, chapter 92, Laws of 1971 ex. sess. and RCW 46.37.190; and declaring an emergency.

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

Section 1. Section 46.37.190, chapter 12, Laws of 1961 as last amended by section 1, chapter 92, Laws of 1971 ex. sess. and RCW 46.37.190 are each amended to read as follows:

(1) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.

(2) Every school bus and private carrier bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a "stop" signal upon a background not less than fourteen by eighteen inches displaying the word "stop" in letters of distinctly contrasting colors not less than eight inches high, and shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(3) ~~((A police vehicle when used as an authorized emergency vehicle, may but need not be equipped with alternately flashing red lights specified herein. A police vehicle may, in addition to or in lieu of the red light specified in subsection (1), be equipped with one or more blue lights.))~~ Vehicles operated by public agencies whose law enforcement duties include the authority to stop and detain motor vehicles on the public highways of the state may be equipped with a siren and lights of a color and type designated by the commission on equipment for that purpose. The commission may prohibit the use of these sirens and lights on vehicles other than the vehicles described in this subsection.