

~~(((5)))~~ (7) *The provisions of RCW 35.82.040 ((and 35.82.060)) as now or hereafter amended shall not apply to a joint city-county housing authority created pursuant to this section.*

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

*Sec. 7. *Section 35.82.060, chapter 7, Laws of 1965 and RCW 35.82.060 are each amended to read as follows:*

For inefficiency or neglect of duty or misconduct in office, a commissioner of ~~((an))~~ a city housing authority may be removed by the mayor ~~(((or in the case of an authority for a county, by the governing body of said county), but a))~~, a commissioner of a county housing authority may be removed by the county legislative authority, and a commissioner of a joint city-county housing authority may be removed by concurrence of the mayor, or mayors, involved and the county legislative authority. A commissioner shall be removed only after ~~((he shall have been given))~~ receiving a copy of the charges at least ten days prior to the hearing thereon and ~~((had))~~ having an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the respective city or county clerk, and if a joint city-county housing authority commissioner is involved it shall be filed with both the city and county clerks.

*Sec. 7. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 8. This act shall take effect on July 1, 1982.

Passed the House March 9, 1982.

Passed the Senate March 7, 1982.

Approved by the Governor April 3, 1982, with the exception of section 6 and 7, which are vetoed.

Filed in Office of Secretary of State April 3, 1982.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to Sections 6 and 7 of Substitute House Bill No. 58 entitled:

"AN ACT Relating to local government".

Sections 6 and 7 would restrict the membership of joint city-county housing authorities. Absent fuller discussion of the issue — which did not occur during public hearings on this bill — my inclination is to allow the local governments that establish the joint authorities to determine the most appropriate membership of the authorities."

CHAPTER 227

[Substitute House Bill No. 778]

STATE GOVERNMENT—REGULATION OF PROFESSIONS—TRANSFER OF POWERS

AN ACT Relating to state government; amending section 13, chapter 43, Laws of 1957 and RCW 18.34.130; amending section 10, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 6, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.100; amending

section 19, chapter 13, Laws of 1973 1st ex. sess. as amended by section 9, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.190; amending section 20, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.200; amending section 21, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.210; amending section 23, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.230; amending section 14, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.275; amending section 34, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.340; amending section 10, chapter 228, Laws of 1969 ex. sess. as amended by section 5, chapter 51, Laws of 1977 ex. sess. and RCW 19.31.100; amending section 43.24.060, chapter 8, Laws of 1965 as last amended by section 98, chapter 158, Laws of 1979 and RCW 43.24.060; amending section 21, chapter 266, Laws of 1971 ex. sess. as last amended by section 16, chapter 53, Laws of 1981 and RCW 43.24.085; amending section 38, chapter 3, Laws of 1963 ex. sess. as last amended by section 7, chapter 235, Laws of 1977 ex. sess. and RCW 44.40.030; amending section 2, chapter 106, Laws of 1963 as amended by section 1, chapter 222, Laws of 1981 and RCW 46.85.020; amending section 3, chapter 106, Laws of 1963 as last amended by section 2, chapter 222, Laws of 1981 and RCW 46.85.030; amending section 4, chapter 106, Laws of 1963 and RCW 46.85.040; amending section 6, chapter 106, Laws of 1963 and RCW 46.85.060; amending section 10, chapter 106, Laws of 1963 as amended by section 114, chapter 32, Laws of 1967 and RCW 46.85.100; amending section 27, chapter 106, Laws of 1963 and RCW 46.85.270; creating new sections; repealing section 4, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.040; repealing section 6, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.060; repealing section 7, chapter 13, Laws of 1973 1st ex. sess., section 3, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.070; repealing section 8, chapter 13, Laws of 1973 1st ex. sess., section 4, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.080; repealing section 9, chapter 13, Laws of 1973 1st ex. sess., section 5, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.090; repealing section 11, chapter 13, Laws of 1973 1st ex. sess., section 7, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.110; repealing section 14, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.140; repealing section 15, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.150; repealing section 16, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.160; repealing section 17, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.170; repealing section 18, chapter 13, Laws of 1973 1st ex. sess., section 8, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.180; repealing section 22, chapter 13, Laws of 1973 1st ex. sess., section 11, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.220; repealing section 25, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.250; repealing section 26, chapter 13, Laws of 1973 1st ex. sess., section 12, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.260; repealing section 13, chapter 222, Laws of 1977 ex. sess., section 25, chapter 67, Laws of 1981 and RCW 19.09.265; repealing section 27, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.270; repealing section 28, chapter 13, Laws of 1973 1st ex. sess., section 15, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.280; repealing section 16, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.285; repealing section 29, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.290; repealing section 30, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.300; repealing section 31, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.310; repealing section 32, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.320; repealing section 35, chapter 13, Laws of 1973 1st ex. sess., section 89, chapter 30, Laws of 1975 1st ex. sess. and RCW 19.09.350; repealing section 36, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.360; repealing section 1, chapter 66, Laws of 1973 1st ex. sess., section 17, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.370; repealing section 37, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.900; repealing section 20, chapter 228, Laws of 1969 ex. sess., section 9, chapter 51, Laws of 1977 ex. sess. and RCW 19.31.200; providing effective dates; and declaring an emergency.

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

NEW SECTION. Section 1. The employment agency advisory committee and the Washington reciprocity commission are each hereby abolished and their powers, duties, and functions are transferred to the department of licensing. All reports, documents, surveys, books, records, files, papers, or

written material in the possession of the employment agency advisory committee and the reciprocity commission and pertaining to the functions transferred by this section shall be delivered to the custody of the department of licensing. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the employment agency advisory committee and the reciprocity commission in carrying out the powers and duties transferred by this section shall be made available to the department of licensing. All funds, credits, or other assets held in connection with the functions transferred by this section shall be assigned to the department of licensing.

Any appropriations made to or available to the employment agency advisory committee and the reciprocity commission for the purpose of carrying out the powers and duties transferred by this section shall, on the effective date of this act, be transferred and credited to the department of licensing.

Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 2. All rules and regulations and all pending business before the employment agency advisory committee and the reciprocity commission pertaining to the powers and duties transferred by section 1 of this act shall be continued and acted upon by the department of licensing. All existing contracts and obligations shall remain in full force and effect and shall be performed by the department of licensing.

NEW SECTION. Sec. 3. The transfer of the powers, duties, and functions of the employment agency advisory committee and the reciprocity commission pertaining to the functions transferred by section 1 of this act shall not affect the validity of any act performed by any employee, agent, or member prior to the effective date of this act.

NEW SECTION. Sec. 4. If apportionments of budgeted funds are required because of the transfers directed by this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 5. The state treasurer shall transfer the remaining fund balance within the opticians' account to the basic state general fund on June 30, 1983.

Sec. 6. Section 13, chapter 43, Laws of 1957 and RCW 18.34.130 are each amended to read as follows:

~~((There is created the opticians' account of the general fund:))~~ All fees required to be paid under the provisions of this chapter shall be paid to the state treasurer to be paid into the ~~((opticians' account of the))~~ state general fund.

Sec. 7. Section 10, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 6, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.100 are each amended to read as follows:

~~((Upon receipt of an application in the proper form for registration, the director shall immediately initiate an examination to determine that))~~ The following conditions apply to solicitations as defined by RCW 19.09.020:

(1) The cost of solicitation (including payments to professional fund raisers and professional solicitors and internal fund raising and solicitation salaries and expenses) during ~~((the))~~ any calendar year ~~((immediately preceding the date of application has not exceeded, or, for the specified year in which the application is submitted, will))~~ shall not exceed twenty percent of the total moneys, pledges, or other property raised or received or to be raised or received by reason of any solicitation and/or fund raising activities or campaigns. The term "internal fund raising and solicitation salaries and expenses" shall include, but not be limited to, such portions of the charitable organization's salary and overhead expenses as is fairly allocable (on a time or other appropriate basis) to its solicitation and/or fund raising expense. As provided in RCW 19.09.020(5), the 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. The amount of such expenditure by the organization shall be deducted from the gross amount collected, or from the organization's support received directly from the public, prior to computing the percentage limitation. In the event special facts or circumstances are presented showing that expenses higher than twenty percent were not or will not be unreasonable, and the organization is primarily engaged in research, advocacy, or public education and uses its own paid staff to carry out these functions, the director ~~((has the discretion to))~~ shall allow such higher expense and ~~((enter))~~ issue an order ~~((registering the charitable organization))~~ so stating. Such an order shall be reviewed annually by the director. When such an order is ~~((entered))~~ issued, the cost of solicitation shall be disclosed by the organization to each person being solicited at the time of each solicitation. To further the purposes of this chapter, the director shall from time to time apprise the public of the names of those organizations for which ~~((discretionary action has been exercised in connection with the cost of solicitation limitations))~~ such an order has been issued. The director may require submission of any information necessary in making a determination whether to issue such an order. Compliance with this subsection is required prior to commencing solicitations;

(2) ~~((The))~~ A charitable organization ~~((has complied))~~ shall comply with all local governmental regulations which apply to soliciting for or on behalf of charitable organizations;

(3) The advertising material and the general promotional plan ~~((are))~~ for a solicitation shall not be false, misleading, or deceptive~~((; comply with the standards, rules, and regulations which the director may adopt;)),~~ and shall afford full and fair disclosure;

(4) ~~((The))~~ Solicitations shall not be conducted by a charitable organization that has ~~((not)),~~ or if a corporation, its officers, directors, ~~((and))~~ or principals have ~~((not)),~~ been convicted of a crime involving solicitations for or on behalf of a charitable organization in this state, the United States, or any other state or foreign country within the past ten years and has ~~((not))~~ been subject to any permanent injunction or administrative order or judgment, under the provisions of RCW 19.86.080 or 19.86.090, involving a violation or violations of the provisions of RCW 19.86.020, within the past ten years, or of restraining a false or misleading promotional plan involving solicitations for charitable organizations.

Sec. 8. Section 19, chapter 13, Laws of 1973 1st ex. sess. as amended by section 9, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.190 are each amended to read as follows:

Every person employed or retained as a professional fund raiser or professional solicitor by or for a charitable organization shall ~~((file with the director a valid registration or renewal of such registration. Applications for such registration shall be in writing, under oath, and in the form prescribed by the director. The form shall require information as to the identity and previous related activities of the registrant as may be necessary or appropriate for the public interest or for the protection of contributors. A corporation, partnership, or sole proprietorship which is a professional fund raiser or professional solicitor, may register for and pay a single fee on behalf of all its members, officers, agents, servants, and employees. However, the names and addresses of all officers, agents, servants, and employees of professional fund raisers and professional solicitors must be listed in the application. In addition, a professional fund raiser shall file, at the time of making application, with and have approved by the director))~~ execute a surety bond ~~((executed by the applicant))~~ as principal in the amount of five thousand dollars with one or more sureties whose liability in the aggregate as such sureties will at least equal the said sum. The bond shall run to ~~((the director for the use of))~~ the state and to any person who may have a cause of action against the obligor of said bond for any malfeasance or misfeasance in the conduct of such solicitation. ~~((The director or his designee shall examine each application, and if he finds it to be in conformity with the requirements of this chapter and all relevant rules and regulations he shall approve the registration. Any applicant who is denied registration may, within twenty days from the date of notification of such denial, request, in~~

~~writing, a hearing, which hearing shall be held in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW. Registration, when effected, shall be for a period of one year, or any part thereof, expiring on the last day of December and may be renewed for additional periods unless rejected for legally sufficient cause or for failure to file the bond prescribed in this section. The additional periods shall be for not more than one calendar year or such shorter period as the director may prescribe by regulation.))~~

Sec. 9. Section 20, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.200 are each amended to read as follows:

Charitable organizations and professional fund raisers(~~(, required to be registered under this chapter,))~~ shall maintain accurate, current, and readily available books and records at their usual business locations(~~(, as designated in the registration statement filed with the director,))~~) until at least three years shall have elapsed following the effective period to which they relate.

All contracts between professional fund raisers and charitable organizations shall be in writing and true and correct copies of such contracts or records thereof shall be kept on file in the various offices of the charitable organization and/or professional fund raiser for a three-year period as provided in this section. Such records and contracts shall be available for inspection and examination by the ((director)) attorney general or by the county prosecuting attorney. A copy of such contract or record shall be ((mailed to or filed with the director)) submitted by the charitable organization or professional fund raiser, within ten days, following receipt of a written demand therefor from the ((director)) attorney general or county prosecutor.

Sec. 10. Section 21, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.210 are each amended to read as follows:

~~((a) On or before the fifteenth day of the fifth month following the close of its fiscal year every charitable organization which is required to file a registration statement under RCW 19.09.060 and which has received contributions during the previous fiscal year shall file with the director))~~ Upon the request of the attorney general or the county prosecutor, a charitable organization shall submit a financial statement containing, but not limited to, the following information:

(1) The gross amount of the contributions pledged and the gross amount collected.

(2) The amount thereof, given or to be given to charitable purposes represented together with details as to the manner of distribution as may be required either by general rule or by specific written request of the director.

(3) The aggregate amount paid and to be paid for the expenses of such solicitation.

(4) The amounts paid to and to be paid to professional fund raisers and solicitors.

(5) Copies of any annual or periodic reports furnished by the charitable organization, of its activities during or for the same fiscal period, to its parent organization, subsidiaries, or affiliates, if any.

~~((b) The director may prescribe such forms as may be necessary or convenient for the furnishing of such information. In addition, the director may require that within thirty days after the close of any special period of solicitation the charitable organization conducting such solicitation shall file a special report containing the information specified in this section for such special period of solicitation.))~~

Sec. 11. Section 23, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.230 are each amended to read as follows:

No ~~((person who is required to register under this chapter))~~ charitable organization, professional fund raiser, or professional solicitor shall knowingly use the name of any other person for the purpose of soliciting contributions from persons in this state without the written consent of such other person: PROVIDED, That such consent may be deemed to have been given by anyone who is a director, trustee, other officer, employee, agent, professional fund raiser, or professional solicitor of ~~((such person registering under this chapter))~~ the charitable organization.

A person may be deemed to have used the name of another person for the purpose of soliciting contributions if such latter person's name is listed on any stationery, advertisement, brochure, or correspondence of the charitable organization or person or if such name is listed or represented to any one who has contributed to, sponsored, or endorsed the charitable organization or person, or its or his activities.

Sec. 12. Section 14, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.275 are each amended to read as follows:

Any person who wilfully and knowingly violates any provisions of this ~~((act))~~ chapter or who shall wilfully and knowingly give false or incorrect information to the director, attorney general, or county prosecuting attorney in filing statements ~~((or reports))~~ required by this ~~((1977 amendatory act))~~ chapter, whether or not such statement or report is verified, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be sentenced for the first offense to pay a fine of not less than one hundred dollars and not more than two hundred and fifty dollars or be imprisoned in the county jail for not more than forty-five days, or both; and for the second and any subsequent offense, to pay a fine of not less than two hundred and fifty dollars and not more than five hundred dollars or be imprisoned in the county jail for not more than ninety days, or both.

Sec. 13. Section 34, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.340 are each amended to read as follows:

(1) The commission by any person of an act or practice prohibited by this chapter is hereby declared to be an unfair act or practice or unfair method of competition in the conduct of trade or commerce for the purpose of application of the Consumer Protection Act, chapter 19.86 RCW.

(2) The director may refer such evidence, as may be available to him, concerning violations of this chapter (~~(; or of any rule or regulation adopted thereof;)~~) to the attorney general or the prosecuting attorney of the county wherein the alleged violation arose. In addition to any other action they might commence, the attorney general or the county (~~(prosecutor)~~) prosecuting attorney may bring an action in the name of the state, with or without such reference, against any person to restrain and prevent the doing of any act or practice prohibited by this chapter: PROVIDED, That this chapter shall be considered in conjunction with chapters 9.04 and 19.86 RCW, as now or hereafter amended, and the powers and duties of the attorney general and the prosecuting attorney as they may appear in the aforementioned chapters, shall apply against all persons subject to this chapter.

Sec. 14. Section 10, chapter 228, Laws of 1969 ex. sess. as amended by section 5, chapter 51, Laws of 1977 ex. sess. and RCW 19.31.100 are each amended to read as follows:

(1) Every applicant for an employment agency's license or a renewal thereof shall file with the director a written application stating the name and address of the applicant; the street and number of the building in which the business of the employment agency is to be conducted; the name of the person who is to have the general management of the office; the name under which the business of the office is to be carried on; whether or not the applicant is pecuniarily interested in the business to be carried on under the license; shall be signed by the applicant and sworn to before a notary public; and shall identify anyone holding over twenty percent interest in the agency. If the applicant is a corporation, the application shall state the names and addresses of the officers and directors of the corporation, and shall be signed and sworn to by the president and secretary thereof. If the applicant is a partnership, the application shall also state the names and addresses of all partners therein, and shall be signed and sworn to by all of them. The application shall also state whether or not the applicant is, at the time of making the application, or has at any previous time been engaged in or interested in or employed by anyone engaged in the business of an employment agency.

(2) The application shall require a certification that no officer or holder of more than twenty percent interest in the business has been convicted of a felony within ten years of the application which directly relates to the business for which the license is sought, or had any judgment entered against such person in any civil action involving fraud, misrepresentation, or conversion.

(3) All applications for employment agency licenses shall be accompanied by a copy of the form of contract and fee schedule to be used between the employment agency and the applicant.

(4) No license to operate an employment agency in this state shall be issued, transferred, renewed, or remain in effect, unless the person who has or is to have the general management of the office has qualified pursuant to this section. The director may, for good cause shown, waive the requirement imposed by this section for a period not to exceed one hundred and twenty days. Persons who have been previously licensed or who have operated to the satisfaction of the director for at least one year prior to September 21, 1977 as a general manager shall be entitled to operate for up to one year from such date before being required to qualify under this section. In order to qualify, such person shall, through testing procedures developed by the ~~((employment agency advisory board, show to the director's satisfaction))~~ director, show that such person has a knowledge of this law, pertinent labor laws, and laws against discrimination in employment in this state and of the United States. Said examination shall be given at least once each quarter and a fee for such examination shall be established by the director. Nothing in this chapter shall be construed to preclude any one natural person from being designated as the person who is to have the general management of up to three offices operated by any one licensee.

Sec. 15. Section 43.24.060, chapter 8, Laws of 1965 as last amended by section 98, chapter 158, Laws of 1979 and RCW 43.24.060 are each amended to read as follows:

(1) The director of 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 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 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.

(2) The director of licensing may appoint advisory committees to advise the department regarding the preparation of examinations for professional licensing and such other specific aspects of regulating the professions within the jurisdiction of the department as the director may designate. Such a committee and its members shall serve at the pleasure of the director.

Each member of an advisory committee shall receive reimbursement for travel expenses incurred in attending meetings of the committee in accordance with RCW 43.03.060.

Sec. 16. Section 21, chapter 266, Laws of 1971 ex. sess. as last amended by section 16, chapter 53, Laws of 1981 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 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 business and professions administration in the department of 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
- Midwife
- 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. 17. Section 38, chapter 3, Laws of 1963 ex. sess. as last amended by section 7, chapter 235, Laws of 1977 ex. sess. and RCW 44.40.030 are each amended to read as follows:

In addition to the powers and duties heretofore conferred upon it, the legislative transportation committee may participate in: (1) The activities of committees of the council of state governments concerned with transportation activities; (2) activities of the national committee on uniform traffic laws and ordinances; (3) any interstate reciprocity or proration meetings designated by the (~~Washington reciprocity commission~~) department of licensing; and (4) such other organizations as it deems necessary and appropriate.

Sec. 18. Section 2, chapter 106, Laws of 1963 as amended by section 1, chapter 222, Laws of 1981 and RCW 46.85.020 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial vehicle" means any vehicle which is operated in more than one state and used for the transportation of persons for hire, compensation, or profit, or designed or used primarily for the transportation of property.

(2) "Jurisdiction" means and includes a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country, and a state or province of a foreign country.

(3) "Owner" means a person who holds the legal title to a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner shall be deemed to be such person in whom is vested right of possession or control.

(4) "Properly registered," as applied to place of registration, means:

(a) The jurisdiction where the person registering the vehicle has his legal residence; or

(b) In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which such vehicle is used has a place of business therein, and, if the vehicle is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled in or from such place of business, and, the vehicle has been assigned to such place of business; or

(c) In the case of a commercial vehicle, the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the vehicle has been registered as required by said jurisdiction.

In case of doubt or dispute as to the proper place of registration of a vehicle, the department shall make the final determination, but in making such determination, may confer with departments of the other jurisdictions affected.

(5) "Fleet" means three or more commercial vehicles: PROVIDED, That the ~~((reciprocity commission))~~ department may require proportional registration and licensing of a fleet of less than three vehicles whenever in its judgment the interests of this state will be best served and protected thereby.

(6) The words "department," "motor vehicle," "person," and "vehicle" each have the meanings ascribed to them, respectively, by RCW 46.04.690, 46.04.320, 46.04.405, and 46.04.670.

(7) "Preceding year" means a period of twelve consecutive months fixed by the department which period shall be within the sixteen months immediately preceding the commencement of the registration or license year for which proportional registration is sought; and the department in fixing such period shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.

(8) "Registration year" means the period from January 1st through December 31st of each calendar year.

Sec. 19. Section 3, chapter 106, Laws of 1963 as last amended by section 2, chapter 222, Laws of 1981 and RCW 46.85.030 are each amended to read as follows:

~~((1) The reciprocity commission, hereby created, shall consist of the director of licensing or a designee, the chief of the Washington state patrol or a designee, a designee of the state transportation commission, and, ex officio, the chairman and vice chairman of the legislative transportation committee or their duly designated representatives. The department shall provide such assistance and facilities to the commission as it may require. The members of the commission shall receive no additional compensation for their services except that they shall be allowed reimbursement for travel expenses incurred in the performance of their official duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended~~

~~to be paid from funds made available for the use of the commission:))~~ The ~~((commission))~~ department of licensing shall have the authority to execute agreements, arrangements, or declarations to carry out the provisions of this chapter.

~~((2))~~ The ~~((reciprocity commission))~~ department may enter into a multistate proportional registration agreement which prescribes a different definition of any terms defined in chapter 46.85 RCW. The agreement definition shall control unless appropriate exception is taken thereto.

If the ~~((reciprocity commission))~~ department enters into a multistate proportional registration agreement which prescribes a different procedure for vehicle identification, the agreement procedures shall control.

If the ~~((reciprocity commission))~~ department enters into a multistate proportional registration agreement which requires this state to perform acts in a quasi agency relationship, the department may collect and forward applicable registration fees and applications to other jurisdictions on behalf of the applicant or on behalf of another jurisdiction and may take such other action as will facilitate the administration of such agreement.

If the ~~((reciprocity commission))~~ department enters into a multistate proportional registration agreement which prescribes procedures applicable to vehicles not specifically described in chapter 46.85 RCW, such as but not limited to "owner-operator" or "rental" vehicles, it shall promulgate rules accomplishing the procedures prescribed in such agreement.

If the ~~((reciprocity commission))~~ department enters into a multistate proportional registration agreement which prohibits the collection of minimum fees or taxes provided for in this chapter or elsewhere for the ownership or operation of motor vehicles, the prohibitions contained in the agreement shall control.

It is the purpose and intent of this subsection to facilitate the membership in the International Registration Plan and at the same time allow the ~~((reciprocity commission))~~ department to continue to participate in such agreements and compacts as may be necessary and desirable in addition to the International Registration Plan.

Sec. 20. Section 4, chapter 106, Laws of 1963 and RCW 46.85.040 are each amended to read as follows:

The ~~((reciprocity commission))~~ department may enter into an agreement or arrangement with the duly authorized representatives of another jurisdiction, granting to vehicles or to owners of vehicles which are properly registered or licensed in such jurisdiction and for which evidence of compliance is supplied, benefits, privileges and exemptions from the payment, wholly or partially, of any taxes, fees, or other charges imposed upon such vehicles or owners with respect to the operation or ownership of such vehicles under the laws of this state, except gallonage taxes on motor fuels. Such an agreement or arrangement shall provide that vehicles properly registered or licensed in this state when operated upon highways of such other

jurisdiction shall receive exemptions, benefits and privileges of a similar kind or to a similar degree as are extended to vehicles properly registered or licensed in such jurisdiction when operated in this state. Each such agreement or arrangement shall, in the judgment of the ~~((reciprocity commission))~~ department, be in the best interest of this state and the citizens thereof and shall be fair and equitable to this state and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce.

Sec. 21. Section 6, chapter 106, Laws of 1963 and RCW 46.85.060 are each amended to read as follows:

In the absence of an agreement or arrangement with another jurisdiction, the ~~((reciprocity commission))~~ department may examine the laws and requirements of such jurisdiction and declare the extent and nature of exemptions, benefits and privileges to be extended to vehicles properly registered or licensed in such other jurisdiction, or to the owners of such vehicles, which shall, in the judgment of the ~~((reciprocity commission))~~ department, be in the best interest of this state and the citizens thereof and which shall be fair and equitable to this state and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce.

Sec. 22. Section 10, chapter 106, Laws of 1963 as amended by section 114, chapter 32, Laws of 1967 and RCW 46.85.100 are each amended to read as follows:

All agreements, arrangements, or declarations or amendments thereto shall be in writing and shall be filed ~~((in the office of the reciprocity commission. A copy of each agreement, arrangement or declaration, or amendment thereto, shall be filed by the reciprocity commission in the office of the director within ten days after execution or the effective date of the instrument whichever is later))~~ with the department. Upon becoming effective, they shall supersede the provisions of RCW 46.16.030 to the extent that they are inconsistent therewith. The department shall provide copies for public distribution upon request.

Sec. 23. Section 27, chapter 106, Laws of 1963 and RCW 46.85.270 are each amended to read as follows:

The ~~((reciprocity commission))~~ department may require the display of a special reciprocity identification plate upon any commercial vehicle operating within this state under the provisions of any reciprocal agreement between this state and the state or other jurisdiction in which such vehicle is properly licensed: PROVIDED, That such reciprocal agreement is on file with the ~~((reciprocity commission))~~ department: PROVIDED FURTHER, That the issuance and display of such identification plate shall not be

deemed to enlarge upon, restrict, or in any manner affect the terms or conditions of such reciprocal agreement.

NEW SECTION. Sec. 24. The following acts or parts of acts are each repealed:

(1) Section 4, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.040;

(2) Section 6, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.060;

(3) Section 7, chapter 13, Laws of 1973 1st ex. sess., section 3, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.070;

(4) Section 8, chapter 13, Laws of 1973 1st ex. sess., section 4, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.080;

(5) Section 9, chapter 13, Laws of 1973 1st ex. sess., section 5, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.090;

(6) Section 11, chapter 13, Laws of 1973 1st ex. sess., section 7, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.110;

(7) Section 14, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.140;

(8) Section 15, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.150;

(9) Section 16, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.160;

(10) Section 17, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.170;

(11) Section 18, chapter 13, Laws of 1973 1st ex. sess., section 8, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.180;

(12) Section 22, chapter 13, Laws of 1973 1st ex. sess., section 11, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.220;

(13) Section 25, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.250;

(14) Section 26, chapter 13, Laws of 1973 1st ex. sess., section 12, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.260;

(15) Section 13, chapter 222, Laws of 1977 ex. sess., section 25, chapter 67, Laws of 1981 and RCW 19.09.265;

(16) Section 27, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.270;

(17) Section 28, chapter 13, Laws of 1973 1st ex. sess., section 15, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.280;

(18) Section 16, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.285;

(19) Section 29, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.290;

(20) Section 30, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.300;

(21) Section 31, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.310;

(22) Section 32, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.320;

(23) Section 35, chapter 13, Laws of 1973 1st ex. sess., section 89, chapter 30, Laws of 1975 1st ex. sess. and RCW 19.09.350;

(24) Section 36, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.360;

(25) Section 1, chapter 66, Laws of 1973 1st ex. sess., section 17, chapter 222, Laws of 1977 ex. sess. and RCW 19.09.370;

(26) Section 37, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.900; and

(27) Section 20, chapter 228, Laws of 1969 ex. sess., section 9, chapter 51, Laws of 1977 ex. sess. and RCW 19.31.200.

NEW SECTION. Sec. 25. Sections 5 and 6 of this act shall take effect June 30, 1983. The remaining sections of this act are 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 March 1, 1982.

Passed the House March 11, 1982.

Passed the Senate March 10, 1982.

Approved by the Governor April 3, 1982.

Filed in Office of Secretary of State April 3, 1982.

CHAPTER 228

[Substitute House Bill No. 922]

PRISON OVERCROWDING REFORM ACT

AN ACT Relating to the board of prison terms and paroles; adding new sections to chapter 9.95 RCW; creating new sections; providing an expiration date; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 9.95 RCW a new section to read as follows:

The legislature recognizes the serious nature of the problems caused by overcrowding at the state's correctional institutions and realizes that while a long-term solution is constructing increased correctional facility capacity, the emergent nature of the current situation necessitates an immediate, short-range response in order to avoid more serious consequences.

NEW SECTION. Sec. 2. There is added to chapter 9.95 RCW a new section to read as follows: