

as from time to time amended, the provisions of section 4 of this act concerning reimbursements do not apply unless the buyer has resorted to such procedure.

NEW SECTION. Sec. 7. The remedies provided under this chapter are cumulative and are in addition to any other remedies provided by law.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 19 RCW.

Passed the Senate April 22, 1983.

Passed the House April 18, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 241

[Substitute Senate Bill No. 3068]

FOOD DONORS AND DISTRIBUTING ORGANIZATIONS—IMMUNE FROM CIVIL LIABILITY—CONDITIONS—INFORMATION SERVICE

AN ACT Relating to donated food; adding a new chapter to Title 69 RCW; and repealing section 1, chapter 115, Laws of 1979 and RCW 69.04.385.

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

NEW SECTION. Sec. 1. The purpose of this chapter is to promote the free distribution of food to needy persons, prevent waste of food products, and provide liability protection for persons and organizations donating or distributing such food products.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Distributing organization" means a charitable nonprofit organization under section 501(c) of the federal internal revenue code which distributes food free of charge and includes any nonprofit organization that distributes food free of charge to other nonprofit organizations or to the public.

(2) "Donor" means a person, corporation, association, or other organization which donates food to a distributing organization. "Donor" includes, but is not limited to, farmers, processors, distributors, wholesalers, and retailers of food. "Donor" also includes persons who harvest agricultural crops or perishable foods which have been donated by the owner to a distributing organization.

(3) "Food" means food products for human consumption as defined in RCW 69.04.008.

NEW SECTION. Sec. 3. Donors and distributing organizations are not liable for civil damages or criminal penalties resulting from the nature, age, condition, or packaging of the donated food, including any liability under

chapter 15.32 or 69.04 RCW, unless the donor or distributing organization acts with gross negligence or intentional misconduct.

NEW SECTION. Sec. 4. The department of agriculture shall maintain an information and referral service for persons and organizations that have notified the department of their desire to participate in the food donation program under this chapter.

NEW SECTION. Sec. 5. Nothing in this chapter may be construed to create any liability of, or penalty against a donor or distributing organization except as provided in section 3 of this act.

NEW SECTION. Sec. 6. Appropriate state and local agencies are authorized to inspect donated food items for wholesomeness and may establish procedures for the handling of food items.

NEW SECTION. Sec. 7. Section 1, chapter 115, Laws of 1979 and RCW 69.04.385 are each repealed.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act shall constitute a new chapter in Title 69 RCW.

Passed the Senate April 23, 1983.

Passed the House April 21, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 242

[Senate Bill No. 3145]

SPECIAL FUEL TAXATION—REVISIONS

AN ACT Relating to special fuel taxation; amending section 6, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.050; amending section 12, chapter 175, Laws of 1971 ex. sess. as last amended by section 7, chapter 40, Laws of 1979 and RCW 82.38.110; amending section 16, chapter 175, Laws of 1971 ex. sess. as last amended by section 11, chapter 40, Laws of 1979 and RCW 82.38.150; amending section 18, chapter 175, Laws of 1971 ex. sess. as last amended by section 13, chapter 40, Laws of 1979 and RCW 82.38.170; and amending section 23, chapter 175, Laws of 1971 ex. sess. as amended by section 16, chapter 40, Laws of 1979 and RCW 82.38.220.

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

Sec. 1. Section 6, chapter 175, Laws of 1971 ex. sess. and RCW 82.38-.050 are each amended to read as follows:

Except as otherwise provided in this chapter, every special fuel user shall be liable for the tax on special fuel used in motor vehicles leased to him for more than thirty days and operated on the highways of this state to the same extent and in the same manner as special fuel used in his own motor vehicles and operated on the highways of this state: PROVIDED, That a lessor who is engaged regularly in the business of leasing for compensation motor vehicles and equipment he owns without drivers to carriers or other lessees for interstate operation, may be deemed to be the special