

## CHAPTER 297

[House Bill No. 585]

## COMMERCIAL SALMON LICENSES—EMERGENCY EXCEPTION

AN ACT Relating to salmon; and amending section 3, chapter 184, Laws of 1974 ex. sess. as amended by section 4, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.460.

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

Sec. 1. Section 3, chapter 184, Laws of 1974 ex. sess. as amended by section 4, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.460 are each amended to read as follows:

~~((Any))~~ A commercial ~~((salmon))~~ fishing vessel not qualified for a ~~((commercial salmon fishing))~~ license or ~~((vessel delivery))~~ permit under RCW 75.28.455 ~~((and wishing to land salmon caught outside the territorial waters of the state of Washington shall be able to))~~ shall not land salmon in the state of Washington unless, as determined by the director or his designee on a case-by-case basis, a bona fide emergency exists. In such an emergency situation, the vessel owner shall obtain a single delivery vessel delivery permit. The fee for such permit shall be one hundred dollars.

Passed the House April 24, 1983.

Passed the Senate April 24, 1983.

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## CHAPTER 298

[Engrossed House Bill No. 653]

LIVESTOCK MARKETS AND OPEN CONSIGNMENT HORSE SALES—  
REGULATIONS MODIFIED

AN ACT Relating to livestock; amending section 1, chapter 107, Laws of 1959 as amended by section 1, chapter 182, Laws of 1961 and RCW 16.65.010; amending section 2, chapter 107, Laws of 1959 and RCW 16.65.020; amending section 4, chapter 107, Laws of 1959 as amended by section 2, chapter 91, Laws of 1979 ex. sess. and RCW 16.65.040; amending section 6, chapter 107, Laws of 1959 and RCW 16.65.060; amending section 9, chapter 107, Laws of 1959 as amended by section 3, chapter 192, Laws of 1971 ex. sess. and RCW 16.65.090; amending section 10, chapter 107, Laws of 1959 and RCW 16.65.100; amending section 15, chapter 107, Laws of 1959 and RCW 16.65.150; amending section 18, chapter 107, Laws of 1959 and RCW 16.65.180; amending section 19, chapter 107, Laws of 1959 and RCW 16.65.190; amending section 4, chapter 182, Laws of 1961 as amended by section 5, chapter 192, Laws of 1971 ex. sess. and RCW 16.65.200; amending section 26, chapter 107, Laws of 1959 and RCW 16.65.260; amending section 40, chapter 107, Laws of 1959 as amended by section 5, chapter 182, Laws of 1961 and RCW 16.65.400; amending section 18, chapter 232, Laws of 1963 and RCW 16.65.423; and adding new sections to chapter 16.65 RCW.

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

Sec. 1. Section 1, chapter 107, Laws of 1959 as amended by section 1, chapter 182, Laws of 1961 and RCW 16.65.010 are each amended to read as follows:

For the purposes of this chapter:

(1) The term "public livestock market" means any place, establishment or facility commonly known as a "public livestock market", "livestock auction market", "livestock sales ring", yards selling on commission, or the like, conducted or operated for compensation or profit as a public livestock market, consisting of pens or other enclosures, and their appurtenances in which livestock is received, held, sold, kept for sale or shipment (~~PROVIDED, That it does not include a farmer selling his own livestock on his own premises by auction or any other method, or a farmers cooperative association or an association of livestock breeders when any class of their own livestock is assembled and offered for sale at a special sale on an occasional and seasonal basis under such association's management and responsibility; and such special sale has been approved by the director in writing; PROVIDED, That such special sale shall be subject to brand and health inspection requirements as herein provided for sales at public livestock markets~~). The term does not include the operation of a person licensed under this chapter to operate a special open consignment horse sale.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Director" means the director of the department or his duly authorized representative.

(4) "Licensee" means any person licensed under the provisions of this chapter.

(5) "Livestock" includes horses, mules, burros, cattle, sheep, swine, and goats.

(6) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

(7) "Stockyard" means any place, establishment, or facility commonly known as a stockyard consisting of pens or other enclosures and their appurtenances in which livestock services such as feeding, watering, weighing, sorting, receiving and shipping are offered to the public: PROVIDED, That stockyard shall not include any facilities where livestock is offered for sale at public auction, feed lots, or quarantined registered feed lots.

(8) "Packer" means any person engaged in the business of slaughtering, manufacturing, preparing meat or meat products for sale, marketing meat, meat food products or livestock products.

(9) "Deputy state veterinarian" means a graduate veterinarian authorized to practice in the state of Washington and appointed or deputized by the director as his duly authorized representative.

(10) "Special open consignment horse sale" means a sale conducted by a person other than the operator of a public livestock market which is limited to the consignment of horses and donkeys only for sale on an occasional and seasonal basis.

NEW SECTION. Sec. 2. There is added to chapter 16.65 RCW a new section to read as follows:

This chapter does not apply to:

(1) A farmer selling his own livestock on the farmer's own premises by auction or any other method.

(2) A farmers' cooperative association or an association of livestock breeders when any class of their own livestock is assembled and offered for sale at a special sale on an occasional and seasonal basis under the association's management and responsibility, and the special sale has been approved by the director in writing. However, the special sale shall be subject to brand and health inspection requirements as provided in this chapter for sales at public livestock markets.

NEW SECTION. Sec. 3. There is added to chapter 16.65 RCW a new section to read as follows:

(1) A person shall not operate a special open consignment horse sale without first obtaining a license from the director. The application for the license shall include:

(a) A detailed statement showing all of the assets and liabilities of the applicant;

(b) The schedule of rates and charges the applicant proposes to impose on the owners of horses for services rendered in the operation of the horse sale;

(c) The specific date and exact location of the proposed sale;

(d) Projected quantity and approximate value of horses to be handled; and

(e) Such other information as the director may reasonably require.

(2) The application shall be accompanied by a license fee of one hundred dollars. Upon the approval of the application by the director and compliance with this chapter, the applicant shall be issued a license. A special open consignment horse sale license is valid only for the specific date or dates and exact location for which the license was issued.

NEW SECTION. Sec. 4. There is added to chapter 16.65 RCW a new section to read as follows:

The sum of the bond to be executed by an applicant for a special open consignment horse sale license shall be determined by estimating the dollar volume of business to be carried on, at, or through the applicant's proposed special open consignment horse sale. The bond amount shall be that amount estimated as the applicant's dollar volume of business. However, the bond

shall not be in an amount less than ten thousand dollars. If the amount exceeds fifty thousand dollars, then that portion above fifty thousand dollars shall be at the rate of ten percent of that value, except that the amount of the bond shall be to the nearest greater five thousand dollar figure.

Sec. 5. Section 2, chapter 107, Laws of 1959 and RCW 16.65.020 are each amended to read as follows:

Public livestock markets and special open consignment horse sales shall be under the direction and supervision of the director, and the director, but not his duly authorized representative, may adopt such rules and regulations as are necessary to carry out the purpose of this chapter. It shall be the duty of the director to enforce and carry out the provisions of this chapter and rules and regulations adopted hereunder. No person shall interfere with the director when he is performing or carrying out any duties imposed upon him by this chapter or rules and regulations adopted hereunder.

Sec. 6. Section 4, chapter 107, Laws of 1959 as amended by section 2, chapter 91, Laws of 1979 ex. sess. and RCW 16.65.040 are each amended to read as follows:

All public livestock market licenses provided for in this chapter shall expire on March 1st subsequent to the date of issue. Any person who fails, refuses, or neglects to apply for a renewal of a preexisting license on or before the date of expiration, shall pay a penalty of twenty-five dollars, which shall be added to the regular license fee, before such license may be renewed by the director.

Sec. 7. Section 6, chapter 107, Laws of 1959 and RCW 16.65.060 are each amended to read as follows:

The licensee's license shall be posted conspicuously in the main office of such licensee's public livestock market or special open consignment horse sale.

Sec. 8. Section 9, chapter 107, Laws of 1959 as amended by section 3, chapter 192, Laws of 1971 ex. sess. and RCW 16.65.090 are each amended to read as follows:

The director shall provide for brand inspection. When such brand inspection is required the licensee shall collect from the consignor and pay to the department, as provided by law, a fee for brand inspection for each animal consigned to the public livestock market or special open consignment horse sale: PROVIDED, That if in any one sale day the total fees collected for brand inspection do not exceed ((forty)) sixty dollars, then such licensee shall pay ((forty)) sixty dollars for such brand inspection or as much thereof as the director may prescribe.

Sec. 9. Section 10, chapter 107, Laws of 1959 and RCW 16.65.100 are each amended to read as follows:

The licensee of each public livestock market or special open consignment horse sale shall collect from any purchaser of livestock requesting brand inspection a fee as provided by law for each animal inspected. Such fee shall be in addition to the fee charged to the consignor for brand inspection and shall not apply to the minimum fee chargeable to the licensee.

Sec. 10. Section 15, chapter 107, Laws of 1959 and RCW 16.65.150 are each amended to read as follows:

The delivery of livestock, for the purpose of sale, by any consignor or vendor to a public livestock market or special open consignment horse sale without making a full disclosure to the agent or licensee of such public livestock market or special open consignment horse sale of any unsatisfied lien or mortgage upon such livestock shall constitute a gross misdemeanor.

Sec. 11. Section 18, chapter 107, Laws of 1959 and RCW 16.65.180 are each amended to read as follows:

All rates or charges made for any stockyard services furnished at a public livestock market or special open consignment horse sale shall be just, reasonable, and nondiscriminatory, and any unjust, unreasonable, or discriminatory rate or charge is prohibited and declared to be unlawful.

Sec. 12. Section 19, chapter 107, Laws of 1959 and RCW 16.65.190 are each amended to read as follows:

No person shall hereafter operate a public livestock market or special open consignment horse sale unless such person has filed a schedule with the application for license to operate such public livestock market or special open consignment horse sale. Such schedule shall show all rates and charges for stockyard services to be furnished by such person at such public livestock market or special open consignment horse sale.

(1) Schedules shall be posted conspicuously at the public livestock market or special open consignment horse sale, and shall plainly state all such rates and charges in such detail as the director may require, and shall state any rules and regulations which in any manner change, affect, or determine any part of the aggregate of such rates or charges, or the value of the stockyard services furnished. The director may determine and prescribe the form and manner in which such schedule shall be prepared, arranged and posted.

(2) No changes shall be made in rates or charges so filed and published except after thirty days' notice to the director and to the public filed and posted as aforesaid, which shall plainly state the changes proposed to be made and the time such changes will go into effect.

(3) No licensee shall charge, demand or collect a greater or a lesser or a different compensation for such service than the rates and charges specified in the schedule filed with the director and in effect at the time; nor shall a licensee refund or remit in any manner any portion of the rates or charges

so specified (but this shall not prohibit a cooperative association of producers from properly returning to its members, on a patronage basis, its excess earnings on their livestock); nor shall a licensee extend to any person at such public livestock market or special open consignment horse sale any stockyard services except such as are specified in such schedule.

Sec. 13. Section 4, chapter 182, Laws of 1961 as amended by section 5, chapter 192, Laws of 1971 ex. sess. and RCW 16.65.200 are each amended to read as follows:

Before the license is issued to operate a public livestock market or special open consignment horse sale, the applicant shall execute and deliver to the director a surety bond in a sum as herein provided for, executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety. Said bond shall be a standard form and approved by the director as to terms and conditions. Said bond shall be conditioned that the principal will not commit any fraudulent act and will comply with the provisions of this chapter and the rules and/or regulations adopted hereunder. Said bond shall be to the state in favor of every consignor and/or vendor creditor whose livestock was handled or sold through or at the licensee's public livestock market or special open consignment horse sale: **PROVIDED**, That if such applicant is bonded as a market agency under the provisions of the packers and stockyards act, (7 U.S.C. 181) as amended, on March 20, 1961, in a sum equal to or greater than the sum required under the provisions of this chapter, and such applicant furnishes the director with a bond approved by the United States secretary of agriculture naming the department as trustee, the director may accept such bond and its method of termination in lieu of the bond provided for herein and issue a license if such applicant meets all the other requirements of this chapter.

The total and aggregate liability of the surety for all claims upon the bond shall be limited to the face of such bond. Every bond filed with and approved by the director shall, without the necessity of periodic renewal, remain in force and effect until such time as the license of the licensee is revoked for cause or otherwise canceled. The surety on a bond, as provided herein, shall be released and discharged from all liability to the state accruing on such bond upon compliance with the provisions of RCW 19.72.110 concerning notice and proof of service, as enacted or hereafter amended, but this shall not operate to relieve, release or discharge the surety from any liability already accrued or which shall accrue (due and to become due hereunder) before the expiration period provided for in RCW 19.72.110 concerning notice and proof of service as enacted or hereafter amended, and unless the principal shall before the expiration of such period, file a new bond, the director shall forthwith cancel the principal's license.

Sec. 14. Section 26, chapter 107, Laws of 1959 and RCW 16.65.260 are each amended to read as follows:

In case of failure by a licensee to pay amounts due a vendor or consignor or creditor whose livestock was handled or sold through or at the licensee's public livestock market or special open consignment horse sale, as evidenced by a verified complaint filed with the director, the director may proceed forthwith to ascertain the names and addresses of all vendor or consignor creditors of such licensee, together with the amounts due and owing to them and each of them by such licensee, and shall request all such vendor and consignor creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known vendor or consignor creditor at his last known address.

Sec. 15. Section 40, chapter 107, Laws of 1959 as amended by section 5, chapter 182, Laws of 1961 and RCW 16.65.400 are each amended to read as follows:

(1) Each public livestock market licensee shall maintain and operate approved weighing facilities for the weighing of livestock at such licensee's public livestock market.

(2) All dial scales used by the licensee shall be of adequate size to be readily visible to all interested parties and shall be equipped with a mechanical weight recorder.

(3) All beam scales used by the licensee shall be equipped with a balance indicator, a weigh beam and a mechanical weight recorder, all readily visible to all interested parties.

(4) All scales used by the licensee shall be checked for balance at short intervals during the process of selling and immediately prior to the beginning of each sale day.

(5) The scale ticket shall have the weights mechanically imprinted upon such tickets when the weigh beam is in balance during the process of weighing, and shall be issued in triplicate, for all livestock weighed at a public livestock market. A copy of such weight tickets shall be issued to the buyer and seller of the livestock weighed.

Sec. 16. Section 18, chapter 232, Laws of 1963 and RCW 16.65.423 are each amended to read as follows:

The director shall have the authority to issue a public livestock market license pursuant to the provisions of this chapter limited to the sale of horses and/or mules and to allocate a sales day or days to such licensee. The director is hereby authorized and directed to adopt regulations for facilities and sanitation applicable to such a license. The facility requirements of RCW 16.65.360 shall not be applicable to such licensee's operation as provided for in this section.

Passed the House March 26, 1983.

Passed the Senate April 20, 1983.

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