

Sec. 3. Section 3, chapter 77, Laws of 1982 and RCW 46.20.510 are each amended to read as follows:

(1) There shall be three categories for the special motorcycle endorsement of a driver's license. Category one shall be for motorcycles or motor-driven cycles having an engine displacement of one hundred fifty cubic centimeters or less. Category two shall be for motorcycles having an engine displacement of five hundred cubic centimeters or less. Category three shall include categories one and two, and shall be for motorcycles having an engine displacement of five hundred one cubic centimeters or more.

(2) A motorcycle endorsement issued prior to June 10, 1982, is deemed to be for category three. Thereafter, a person first seeking a motorcycle endorsement or a person seeking an endorsement to operate a motorcycle with an engine displacement of a higher category than the one covered by his or her existing endorsement, shall obtain an endorsement for the appropriate category pursuant to RCW 46.20.505 through 46.20.515.

(3) The department may issue ~~((an))~~ a motorcyclist's instruction permit to an individual who wishes to learn to ride a motorcycle or obtain an endorsement of a larger endorsement category. This permit and a valid driver's license with current endorsement, if any, shall be carried when operating a motorcycle. An individual with ~~((an))~~ a motorcyclist's instruction permit may not carry passengers, may not operate a motorcycle during the hours of darkness or on a fully controlled, limited access facility, and shall be under the direct visual supervision of a person with a motorcycle endorsement of the appropriate category.

Passed the Senate April 15, 1985.

Passed the House April 10, 1985.

Approved by the Governor May 10, 1985.

Filed in Office of Secretary of State May 10, 1985.

## CHAPTER 235

[Senate Bill No. 3906]

### MORAL NUISANCES—PORNOGRAPHY

AN ACT Relating to pornography and moral nuisances; amending RCW 7.48A.040, 7.48A.050, and 9.68.140; prescribing penalties; and declaring an emergency.

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

Sec. 1. Section 4, chapter 184, Laws of 1982 and RCW 7.48A.040 are each amended to read as follows:

(1) No person shall with knowledge maintain a moral nuisance.

(2) Upon a determination that a defendant has with knowledge maintained a moral nuisance, the court shall impose a civil ~~((penalty))~~ fine and judgment of an amount as the court ~~((may))~~ shall determine to be appropriate. In imposing the civil ~~((penalty))~~ fine, the court shall consider the

wilfulness of the defendant's conduct and the profits made by the defendant attributable to the ~~((moral-nuisance))~~ lewd matter, lewdness, or prostitution, whichever is applicable. In no event shall the civil fine exceed the greater of twenty-five thousand dollars or these profits.

Sec. 2. Section 5, chapter 184, Laws of 1982 and RCW 7.48A.050 are each amended to read as follows:

All civil ~~((penalties))~~ fines assessed under RCW 7.48A.040 shall be paid into the general treasury of the governmental unit commencing the civil action.

Sec. 3. Section 8, chapter 184, Laws of 1982 and RCW 9.68.140 are each amended to read as follows:

A person who, for profit-making purposes and with knowledge, sells, exhibits, displays, or produces any lewd matter as defined in RCW 7.48A-.010 is guilty of promoting pornography. Promoting pornography is a class C felony and shall bear the punishment and fines prescribed for that class of felony~~((; except that upon conviction of promoting pornography the court shall impose a fine of not less than five thousand dollars per count nor more than fifty thousand dollars per count))~~. In imposing the criminal penalty, the court shall consider the wilfulness of the defendant's conduct and the profits made by the defendant attributable to the felony. All fines assessed under this chapter shall be paid into the general treasury of the state.

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 April 25, 1985.

Passed the House April 15, 1985.

Approved by the Governor May 10, 1985.

Filed in Office of Secretary of State May 10, 1985.

## CHAPTER 236

[Engrossed Substitute House Bill No. 62]

### SMOKING—WASHINGTON CLEAN INDOOR AIR ACT

AN ACT Relating to smoking; adding a new chapter to Title 70 RCW; and prescribing penalties.

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