

It shall be an unfair practice for any person or his agent or employee to commit an act which directly or indirectly results in any distinction, restriction, or discrimination, or the requiring of any person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement, except for conditions and limitations established by law and applicable to all persons, regardless of race, creed, color, national origin, the presence of any sensory, mental, or physical handicap, or the use of a trained dog guide by a blind ((or)), deaf, or physically disabled person: PROVIDED, That this section shall not be construed to require structural changes, modifications, or additions to make any place accessible to a handicapped person except as otherwise required by law: PROVIDED, That behavior or actions constituting a risk to property or other persons can be grounds for refusal and shall not constitute an unfair practice.

Passed the Senate March 13, 1985.

Passed the House April 10, 1985.

Approved by the Governor April 22, 1985.

Filed in Office of Secretary of State April 22, 1985.

## CHAPTER 91

[Substitute Senate Bill No. 3309]

### COUNTIES—VARIOUS LICENSES MODIFIED

AN ACT Relating to counties; amending RCW 36.32.120, 36.53.020, 36.71.020, 36.71.030, 36.71.040, 36.71.050, 36.71.080, 67.12.030, 67.12.050, and 67.12.110; and repealing RCW 36.49.010.

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

Sec. 1. Section 36.32.120, chapter 4, Laws of 1963 as last amended by section 3, chapter 226, Laws of 1982 and RCW 36.32.120 are each amended to read as follows:

The legislative authorities of the several counties shall:

(1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferriage; grant grocery and other licenses authorized by law to be by them granted at fees set by the legislative authorities which shall not exceed the costs of administration and operation of such licensed activities;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law: PROVIDED, That the legislative authority of a county may permit all moneys, assessments, and taxes belonging to or collected for the use of any county, including any amounts representing estimates for future assessments and taxes, to be deposited by any taxpayer prior to the due date thereof with the treasurer or other legal depository for the benefit of the funds to which they belong to be credited against any future tax or assessment that may be levied or become due from the taxpayer: PROVIDED FURTHER, That the taxpayer, with the concurrence of the county legislative authority, may designate the particular fund against which such prepayment of future tax or assessment shall be credited;

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

(6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: PROVIDED, That except for Washington state statutes, there shall be filed in the county auditor's office one copy of such codes and compilations ten days prior to their adoption by reference, and additional copies may also be filed in library or city offices within the county as deemed necessary by the county legislative authority: PROVIDED FURTHER, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the county legislative authority of which at least ten days' notice has been given. Any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor: PROVIDED FURTHER, That violation of a regulation, ordinance, code, compilation, and/or statute relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation, ordinance, code, compilation, and/or statute equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor. The notice must set out a copy of the proposed regulations; or if a code is adopted by reference the notice

shall set forth the full official title and a statement describing the general purpose of such code. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as justices of the peace.

Sec. 2. Section 36.53.020, chapter 4, Laws of 1963 and RCW 36.53-.020 are each amended to read as follows:

The ~~((board of county commissioners shall))~~ county legislative authority may charge such sum as ~~((appears reasonable— not less than one dollar nor more than one hundred dollars per year—))~~ may be fixed under the authority of RCW 36.32.120(3) for such license, and the person to whom the license is granted shall pay to the appropriate county ~~((treasurer))~~ official the tax for one year in advance ~~((—taking his receipt therefor; and upon the production of such receipt the county auditor shall issue the license under the seal of his office)).~~

Sec. 3. Section 36.71.020, chapter 4, Laws of 1963 and RCW 36.71-.020 are each amended to read as follows:

Every peddler, before commencing business in any county of the state, shall apply in writing and under oath to the appropriate county ~~((treasurer))~~ official of the county in which he proposes to operate for a county license. The application must state the names and residences of the owners or parties in whose interest the business is to be conducted ~~((—and shall state the number of horses and/or vehicles to be used)).~~ The applicant at the same time shall file a true statement under oath of the quantity and value of the stock of goods, wares, and merchandise that is in the county for sale or to be kept or exposed for sale in the county, make a special deposit of five hundred dollars ~~((with the county treasurer)),~~ and pay the ~~((treasurer the))~~ county license fee as ~~((follows:~~

(1) Peddler on foot, one hundred dollars.

(2) Peddler with one horse and a wagon, one hundred fifty dollars.

(3) Peddler with two horses and a wagon, two hundred fifty dollars.

~~((4) Peddler with any other conveyance, three hundred dollars))~~ may be fixed under the authority of RCW 36.32.120(3).

The appropriate county ~~((treasurer))~~ official shall thereupon issue to the applicant a peddler's license, authorizing him to do business in the county for the term of one year from the date thereof. Every county license shall contain a copy of the application therefor, shall not be transferable,

and shall not authorize more than one person to sell goods as a peddler, either by agent or clerk, or in any other way than his own proper person.

Sec. 4. Section 36.71.030, chapter 4, Laws of 1963 and RCW 36.71-.030 are each amended to read as follows:

The appropriate county ((treasurer)) official of each county shall keep on file all applications for peddlers' licenses that are issued. All files and records ~~((of the county treasurer))~~ shall be in convenient form and open to public inspection.

Sec. 5. Section 36.71.040, chapter 4, Laws of 1963 and RCW 36.71-.040 are each amended to read as follows:

Upon the expiration and return of a county license, the appropriate county ((treasurer)) official shall cancel it, indorse thereon the cancellation, and place it on file. After holding the special deposit of the licensee for a period of ninety days from the date of cancellation, he shall return the deposit or such portion as may remain in his hands after satisfying the claims made against it.

Sec. 6. Section 36.71.050, chapter 4, Laws of 1963 and RCW 36.71-.050 are each amended to read as follows:

Each deposit made with the county ~~((treasurer))~~ shall be subject to all taxes legally chargeable thereto, to attachment and execution on behalf of the creditors of the licensee whose claims arise in connection with the business done under his license, and the ~~((treasurer))~~ county may be held to answer as trustee in any civil action in contract or tort brought against any licensee, and shall pay over, under order of the court or upon execution, such amount of money as the licensee may be chargeable with upon the final determination of the case. Such deposit shall also be subject to the payment of any and all fines and penalties incurred by the licensee through violations of the provisions of RCW 36.71.010, 36.71.020, 36.71.030, 36.71.040 and 36.71.060, which shall be a lien upon the deposit and shall be collected in the manner provided by law.

Sec. 7. Section 36.71.080, chapter 4, Laws of 1963 and RCW 36.71-.080 are each amended to read as follows:

The ~~((board of county commissioners))~~ county legislative authority may, by its order, direct the ~~((county auditor))~~ appropriate county official to issue a license to any person to do any business designated in RCW 36.71.070 for such sum ~~((not exceeding twenty-five dollars per year as it deems proper and expedient))~~ as may be fixed under the authority of RCW 36.32.120(3).

Sec. 8. Section 3, chapter 111, Laws of 1923 and RCW 67.12.030 are each amended to read as follows:

The ~~((board of county commissioners))~~ county legislative authority of each county ~~((shall))~~ may, by a general order, from time to time, fix the fees to be charged for licenses granted ~~((hereunder, such fees, however, not~~

~~to be less than twenty-five dollars nor more than two hundred and fifty dollars for an annual dance hall license, nor less than ten dollars nor more than seventy-five dollars for a quarterly license, nor less than one dollar nor more than ten dollars for a license for a single dance))~~ under RCW 67.12.020 subject to the limitations of RCW 36.32.120(3). The county (~~commissioners~~) legislative authority may issue a permit without charge for grange, patriotic, fraternal or community dances.

Sec. 9. Section 5, chapter 111, Laws of 1923 and RCW 67.12.050 are each amended to read as follows:

Applications for licenses hereunder shall be filed with the (~~clerk of the board of~~) appropriate county (~~commissioners~~) official and be accompanied with (~~a receipt showing the payment to the county treasurer of a~~) the license fee. After determining to grant a license to the applicant, the (~~board~~) county legislative authority shall notify the (~~county auditor~~) appropriate official, who shall issue the license to the applicant. All licenses granted hereunder shall be kept posted in a conspicuous place on the licensed premises.

Sec. 10. Section 1, chapter 112, Laws of 1909 and RCW 67.12.110 are each amended to read as follows:

The (~~board of county commissioners~~) county legislative authority of each county in the state of Washington shall have sole and exclusive authority and power to regulate, restrain, license, or prohibit the maintenance or running of pool halls, billiard halls, and bowling alleys outside of the incorporated limits of each incorporated city, town, or village in their respective counties: PROVIDED, That the annual license fee for maintenance or running such pool halls, billiard halls, and bowling alleys shall (~~in no instance be less than twenty-five dollars nor more than two hundred and fifty dollars;~~) be fixed in accordance with RCW 36.32.120(3), and which (~~said~~) license fee shall be paid annually in advance to the appropriate county (~~treasurer~~) official: (~~AND~~) PROVIDED FURTHER, That nothing herein or elsewhere shall be so construed as to prevent the (~~boards of county commissioners of the respective counties~~) county legislative authority from revoking any license at any time prior to the expiration thereof for any cause by such (~~board of county commissioners~~) county legislative authority deemed proper. And if said county (~~commissioners revoke~~) legislative authority revokes said license (~~they~~) it shall refund the unearned portion of such license.

NEW SECTION. Sec. 11. Section 36.49.010, chapter 4, Laws of 1963 and RCW 36.49.010 are each repealed.

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