

CHAPTER 59

[Substitute House Bill No. 1379]

PUBLIC WORKS CONSTRUCTION CONTRACTS—BID PRICE ADJUSTMENT
NEGOTIATIONS

AN ACT Relating to bids on public construction contracts; and adding a new section to chapter 39.04 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 39.04 RCW to read as follows:

Notwithstanding the provisions of RCW 39.04.010, a state contracting authority is authorized to negotiate an adjustment to a bid price, based upon agreed changes to the contract plans and specifications, with a low responsive bidder under the following conditions:

(1) All bids for a state public works project involving buildings and any associated building utilities and appendants exceed the available funds, as certified by the appropriate fiscal officer;

(2) The apparent low responsive bid does not exceed the available funds by: (a) Five percent on projects valued under one million dollars; (b) the greater of fifty thousand dollars or two and one-half percent for projects valued between one million dollars and five million dollars; or (c) the greater of one hundred twenty-five thousand dollars or one percent for projects valued over five million dollars; and

(3) The negotiated adjustment will bring the bid price within the amount of available funds.

Passed the House March 6, 1989.

Passed the Senate April 4, 1989.

Approved by the Governor April 19, 1989.

Filed in Office of Secretary of State April 19, 1989.

CHAPTER 60

[House Bill No. 1282]

MOTOR CARRIER FREIGHT BROKERS AND FORWARDERS—DEFINITIONS
AND BONDING REQUIREMENTS

AN ACT Relating to the definition of motor carrier freight brokers and forwarders; and amending RCW 81.80.010 and 81.80.430.

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

Sec. 1. Section 81.80.010, chapter 14, Laws of 1961 as last amended by section 1, chapter 31, Laws of 1988 and RCW 81.80.010 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Person" means and includes an individual, firm, copartnership, corporation, company, or association or their lessees, trustees, or receivers.

(2) "Motor vehicle" means any truck, trailer, semitrailer, tractor, dump truck which uses a hydraulic or mechanical device to dump or discharge its load, or any self-propelled or motor-driven vehicle used upon any public highway of this state for the purpose of transporting property, but not including baggage, mail, and express transported on the vehicles of auto transportation companies carrying passengers.

(3) "Public highway" means every street, road, or highway in this state.

(4) "Common carrier" means any person who undertakes to transport property for the general public by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies.

(5) "Contract carrier" includes all motor vehicle operators not included under the terms "common carrier" and "private carrier" as herein defined in paragraph (4) and paragraph (6), and further includes any person who under special and individual contracts or agreements transports property by motor vehicle for compensation.

(6) A "private carrier" is a person who transports by his own motor vehicle, with or without compensation therefor, property which is owned or is being bought or sold by such person, or property of which such person is the seller, purchaser, lessee, or bailee where such transportation is incidental to and in furtherance of some other primary business conducted by such person in good faith.

(7) "Motor carrier" means and includes "common carrier," "contract carrier," "private carrier," and "exempt carrier" as herein defined.

(8) "Exempt carrier" means any person operating a vehicle exempted from certain provisions of this chapter under RCW 81.80.040.

(9) "Vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rail or tracks.

(10) "Commercial zone" means an area encompassing one or more cities or towns and environs adjacent thereto established pursuant to RCW 81.80.400.

(11) "Terminal area" means an area including one or more cities or towns and environs adjacent thereto established pursuant to RCW 81.80.400.

(12) (~~"Broker" is a~~) "Common carrier" and "contract carrier" includes persons engaged in the business of providing, contracting for, or undertaking to (~~arrange for~~) provide transportation of property (~~by two or~~

~~more interstate or intrastate common carriers))~~ for compensation over the public highways of the state of Washington as brokers or forwarders.

Sec. 2. Section 2, chapter 31, Laws of 1988 and RCW 81.80.430 are each amended to read as follows:

(1) Each broker or forwarder shall file with the commission and keep in effect, a surety bond or deposit of satisfactory security, in a sum to be determined by the commission, but not less than five thousand dollars, conditioned upon such broker or forwarder making compensation to shippers, consignees, and carriers for all moneys belonging to them and coming into the broker's or forwarder's possession in connection with the transportation service.

(2) It is unlawful for a broker or forwarder to conduct business as such in this state without first securing appropriate authority from the Interstate Commerce Commission, if such authority is required, and registering with the Washington utilities and transportation commission. The commission shall grant such registration without hearing, upon application and payment of the appropriate filing fee prescribed by this chapter for other applications for operating authority.

(3) Failure to file the bond or deposit the security is sufficient ~~((ground))~~ cause for refusal of the commission to grant the application for a permit or registration. Failure to ~~((promptly make the remittances provided for in this section and in rules of the commission))~~ maintain the bond or the deposit of security is sufficient cause for cancellation of a permit or registration.

Passed the House February 24, 1989.

Passed the Senate April 4, 1989.

Approved by the Governor April 19, 1989.

Filed in Office of Secretary of State April 19, 1989.

CHAPTER 61

[House Bill No. 1762]

REAL ESTATE TRANSACTIONS—DISCRIMINATION AGAINST PERSONS USING GUIDE OR SERVICE DOGS PROHIBITED

AN ACT Relating to discrimination in real estate transactions against physically disabled persons who use guide dogs; and amending RCW 49.60.222.

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

Sec. 1. Section 4, chapter 167, Laws of 1969 ex. sess. as last amended by section 8, chapter 127, Laws of 1979 and RCW 49.60.222 are each amended to read as follows:

It is an unfair practice for any person, whether acting for himself or another, because of sex, marital status, race, creed, color, national origin, the presence of any sensory, mental, or physical handicap, or the use of a