

nature or kind of food, drug, device, or cosmetic to which such request relates: PROVIDED, That evidence obtained under this section shall not be used in a criminal prosecution of the person from whom obtained: PROVIDED FURTHER, That except for violations of section 2 of this act, penalties levied under section 7 of this act, the requirements of sections 1 through 7 of this act, and the requirements of this section, carriers shall not be subject to the other provisions of this chapter by reason of their receipt, carriage, holding, or delivery of food, drugs, devices, or cosmetics in the usual course of business as carriers.

NEW SECTION. Sec. 10. Sections 1 through 7 of this act are each added to chapter 69.04 RCW.

Passed the Senate March 6, 1990.

Passed the House February 28, 1990.

Approved by the Governor March 27, 1990.

Filed in Office of Secretary of State March 27, 1990.

CHAPTER 203

[Substitute Senate Bill No. 5340]

ESCROW AGENTS DISBURSEMENTS

AN ACT Relating to depository checks; amending RCW 18.44.070; and adding a new section to chapter 62A.3 RCW.

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

Sec. 1. Section 7, chapter 153, Laws of 1965 as last amended by section 1, chapter 178, Laws of 1988 and RCW 18.44.070 are each amended to read as follows:

Every certificated escrow agent shall keep adequate records of all transactions handled by or through the agent including itemization of all receipts and disbursements of each transaction, which records shall be open to inspection by the director or the director's authorized representatives.

Every certificated agent shall keep a separate escrow fund account in a recognized Washington state depository authorized to receive funds, in which shall be kept separate and apart and segregated from the agent's own funds, all funds or moneys of clients which are being held by the agent pending the closing of a transaction and such funds shall be deposited not later than the first banking day following receipt thereof.

An escrow agent, unless exempted by RCW 18.44.020(2), shall not make disbursements on any escrow account without first receiving deposits directly relating to the account in amounts at least equal to the disbursements. An escrow agent shall not make disbursements until the next business day after the business day on which the funds are deposited unless the deposit is made in cash, by interbank electronic transfer, or in a form that

permits conversion of the deposit to cash on the same day the deposit is made. The deposits shall be in one of the following forms:

- (1) Cash;
- (2) Interbank electronic transfers such that the funds are unconditionally received by the escrow agent or the agent's depository;
- (3) Checks, negotiable orders of withdrawal, money orders, cashier's checks, and certified checks that are payable in Washington state and drawn on financial institutions located in Washington state; or
- (4) Checks, negotiable orders of withdrawal, money orders, and any other item that has been finally paid as described in RCW 62A.4-213 before any disbursement; or
- (5) Any depository check, including any cashier's check, certified check, or teller's check, which is governed by the provisions of the Federal Expedited Funds Availability Act, 12 U.S.C. ((~~400~~/~~{Sec. 4001}~~)) Sec. 4001 et seq.

The word "item" means any instrument for the payment of money even though it is not negotiable, but does not include money.

Violation of this section shall subject an escrow agent to penalties as prescribed in Title 9A RCW and remedies as provided in chapter 19.86 RCW and shall constitute grounds for suspension or revocation of the registration or license of any certified escrow agent.

NEW SECTION. Sec. 2. A new section is added to chapter 62A.3 RCW to read as follows:

No person may record the number of a credit card given as identification under RCW 62A.3-505(1)(b) or given as proof of credit worthiness when payment for goods or services is made by check or draft. Nothing in this section prohibits the recording of the number of a credit card given in lieu of a deposit to secure payment in the event of a default, loss, damage, or other occurrence.

Passed the Senate March 8, 1990.

Passed the House March 8, 1990.

Approved by the Governor March 27, 1990.

Filed in Office of Secretary of State March 27, 1990.

CHAPTER 204

[House Bill No. 2362]

STATE EMPLOYEES—INDUSTRIAL INSURANCE SAFETY AND RETURN-TO-WORK PROGRAMS

AN ACT Relating to industrial insurance programs in state agencies and institutions of higher education; adding a new section to chapter 51.44 RCW; adding a new section to chapter 28B.16 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 51.32 RCW; creating a new section; and providing an effective date.

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