

(39) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

(40) Chapter 46.80 RCW relating to motor vehicle wreckers;

(41) Chapter 46.82 RCW relating to driver's training schools.

NEW SECTION. Sec. 4. A new section is added to chapter 46.12 RCW to read as follows:

The department shall issue a certificate of ownership valid for title purposes only to the owner of an off-road vehicle as defined in RCW 46.09.020. The owner shall pay the fees established by RCW 46.12.040. Issuance of such certificate does not qualify the vehicle for licensing under chapter 46.16 RCW.

NEW SECTION. Sec. 5. A new section is added to chapter 46.16 RCW to read as follows:

The director, the state of Washington, and its political subdivisions shall be immune from civil liability arising from the issuance of a vehicle license to a nonroadworthy vehicle.

Passed the Senate March 9, 1986.

Passed the House March 6, 1986.

Approved by the Governor April 1, 1986.

Filed in Office of Secretary of State April 1, 1986.

CHAPTER 187

[Substitute Senate Bill No. 4544]

VULNERABLE ADULTS—PROTECTION

AN ACT Relating to vulnerable adults; amending RCW 74.34.030, 74.34.040, and 74.34.050; and adding new sections to chapter 74.34 RCW.

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

Sec. 1. Section 9, chapter 97, Laws of 1984 and RCW 74.34.030 are each amended to read as follows:

((When a)) Any person, including but not limited to, financial institutions or attorneys, having reasonable cause to believe that a vulnerable adult has suffered abuse, exploitation, neglect, or abandonment, or is otherwise in need of protective services may report such information to the department. Any police officer, social worker, employee of the department, a social service, welfare, mental health, or health agency, congregate long-term care facility, or health care ((practitioner)) provider licensed under Title 18 RCW, including but not limited to doctors, nurses, psychologists, and pharmacists, ((has)) having reasonable cause to believe that a vulnerable adult has suffered abuse, exploitation, neglect, or abandonment, ((the person)) shall make an immediate oral report ((the incident, or cause a report to be

made;)) of such information to the department and shall report such information in writing to the department within ten calendar days of receiving the information.

Sec. 2. Section 10, chapter 97, Laws of 1984 and RCW 74.34.040 are each amended to read as follows:

~~((A person making a report under RCW 74.34.030 shall make an immediate oral report to the department and shall also make a written report as soon as practicable. Unless there is a judicial proceeding or the person consents, the identity of the person making the report is confidential.))~~ The reports made under RCW 74.34.030 shall contain the following information if known:

- (1) Identification of the vulnerable adult;
- (2) The nature and extent of the suspected abuse, neglect, exploitation, or abandonment;
- (3) Evidence of previous abuse, neglect, exploitation, or abandonment;
- (4) The name and address of the person making the report; and
- (5) Any other helpful information.

Unless there is a judicial proceeding or the person consents, the identity of the person making the report is confidential.

Sec. 3. Section 11, chapter 97, Laws of 1984 and RCW 74.34.050 are each amended to read as follows:

(1) A person participating in good faith in making a report under this chapter or testifying about the abuse, neglect, abandonment, or exploitation of a vulnerable adult in a judicial proceeding under this chapter is immune from liability resulting from the report or testimony. The making of permissive reports as allowed in RCW 74.34.030 does not create any duty to report and no civil liability shall attach for any failure to make a permissive report under RCW 74.34.030.

(2) Conduct conforming with the reporting and testifying provisions of this chapter shall not be deemed a violation of any confidential communication privilege. Nothing in this chapter shall be construed as superseding or abridging remedies provided in chapter 4.92 RCW.

NEW SECTION. Sec. 4. The legislature finds that vulnerable adults, who are physically or emotionally abused or financially exploited may need the protection of the courts. The legislature further finds that many of these elderly persons may be homebound or otherwise may be unable to represent themselves in court or to retain legal counsel in order to obtain the relief available to them under this chapter.

NEW SECTION. Sec. 5. An action known as a petition for an order for protection of a vulnerable adult in cases of abuse or exploitation is created.

(1) A vulnerable adult may seek relief from abuse or exploitation, or the threat thereof, by filing a petition for an order for protection in superior court.

(2) A petition shall allege that the petitioner is a vulnerable adult and that the petitioner has been abused or exploited or is threatened with abuse or exploitation by respondent.

(3) A petition shall be accompanied by affidavit made under oath stating the specific facts and circumstances which demonstrate the need for the relief sought.

(4) A petition for an order may be made whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(5) A petitioner is not required to post bond to obtain relief in any proceeding under this section.

(6) An action under this section shall be filed in the county where the petitioner resides; except that if the petitioner has left the residence as a result of abuse or exploitation, or in order to avoid abuse or exploitation, the petitioner may bring an action in the county of either the previous or new residence.

NEW SECTION. Sec. 6. The court shall order a hearing on a petition under section 5 of this act not later than fourteen days from the date of filing the petition. Personal service shall be made upon the respondent not less than five court days before the hearing. If timely service cannot be made, the court may set a new hearing date. A petitioner may move for temporary relief under chapter 7.40 RCW.

NEW SECTION. Sec. 7. The court may order relief as it deems necessary for the protection of the petitioner, including, but not limited to the following:

(1) Restraining respondent from committing acts of abuse or exploitation;

(2) Excluding the respondent from petitioner's residence for a specified period or until further order of the court;

(3) Prohibiting contact by respondent for a specified period or until further order of the court;

(4) Requiring an accounting by respondent of the disposition of petitioner's income or other resources;

(5) Restraining the transfer of property for a specified period not exceeding ninety days;

(6) Requiring the respondent to pay the filing fee and court costs, including service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee.

Any relief granted by an order for protection, other than a judgment for costs, shall be for a fixed period not to exceed one year.

NEW SECTION. Sec. 8. When an order for protection under section 7 of this act is issued upon request of the petitioner, the court may order a peace officer to assist in the execution of the order of protection.

NEW SECTION. Sec. 9. The department of social and health services, in its discretion, may seek relief under sections 5 through 8 of this act on behalf of and with the consent of any vulnerable adult. Neither the department of social and health services nor the state of Washington shall be liable for failure to seek relief on behalf of any persons under this section.

NEW SECTION. Sec. 10. The provision of services under RCW 74.34.030, 74.34.040, 74.34.050, and sections 4 through 11 of this act are discretionary and the department shall not be required to expend additional funds beyond those appropriated.

NEW SECTION. Sec. 11. Any proceeding under sections 5 through 9 of this act is in addition to any other civil or criminal remedies.

NEW SECTION. Sec. 12. 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. 13. Sections 4 through 11 of this act are added to chapter 74.34 RCW.

Passed the Senate March 8, 1986.

Passed the House March 6, 1986.

Approved by the Governor April 1, 1986.

Filed in Office of Secretary of State April 1, 1986.

CHAPTER 188

[Senate Bill No. 4551]

ASSAULT ON FIRE PROTECTION PERSONNEL—CLASS C FELONY

AN ACT Relating to assault on fire protection personnel; and amending RCW 9A.36.030.

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

Sec. 1. Section 9A.36.030, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 140, Laws of 1982 and RCW 9A.36.030 are each amended to read as follows:

(1) Every person who, under circumstances not amounting to assault in either the first or second degree, shall be guilty of assault in the third degree when he:

(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself or another person shall assault another; or