

seventy-five percent of the milk he produces processed, bottled, or packaged by another milk dealer or producer who acts as a dealer: PROVIDED FURTHER, That such milk producer shall remain exempt from the provisions of this act if he purchases not more than ten percent of the milk he handled from another producer or milk dealer and if he sells any excess production from his farm or farms to the pool at the lowest use classification price.

NEW SECTION. Sec. 32. 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 provisions to other persons or circumstances, is not affected.

NEW SECTION. Sec. 33. 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 House May 1, 1971.

Passed the Senate April 28, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 231

[Engrossed Substitute House Bill No. 69]

REGULATION OF MOBILE HOMES, TRAVEL TRAILERS, AND CAMPERS

AN ACT Relating to the regulation of mobile homes, travel trailers, and campers; amending section 46.08.090, chapter 12, Laws of 1961 as amended by section 13, chapter 156, Laws of 1965 and RCW 46.01.130; amending section 46.08.100, chapter 12, Laws of 1961 as last amended by section 14, chapter 156, Laws of 1965 and RCW 46.01.140; amending section 46.16.100, chapter 12, Laws of 1961 as amended by section 5, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.100; amending section 57, chapter 83, Laws of 1967 ex. sess. as amended by section 6, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.111; amending section 46.68.030, chapter 12, Laws of 1961 as last amended by section 25, chapter 281, Laws of 1969 ex. sess. and RCW 46.68.030; adding a new section to chapter 46.01 RCW; adding new sections to chapter 46.04 RCW; adding new sections to chapter 46.12 RCW; adding new sections to chapter 46.16 RCW; adding a new section to chapter 46.70 RCW; prescribing penalties; and providing effective dates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section. 1. Section 57, chapter 83, Laws of 1967 ex. sess. as

amended by section 6, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.111 are each amended to read as follows:

Unless the owner thereof elects to pay tonnage fees separately on his trailer or semitrailer pursuant to RCW 46.16.115 the maximum gross weight in the case of any motor truck or truck tractor shall be the scale weight of the motor truck or truck tractor, plus the scale weight of any trailer, semitrailer or pole trailer to be towed thereby, to which shall be added the maximum load to be carried thereon or towed thereby as set by the licensee in his application or otherwise: PROVIDED, That if the sum of the scale weight and maximum load of such trailer is not greater than four thousand pounds, such sum shall not be computed as part of the maximum gross weight of any motor truck or truck tractor: PROVIDED, FURTHER, That where the trailer is a utility trailer, travel trailer, horse trailer, or boat trailer for the personal use of the owner of the truck or truck tractor and not for sale or commercial purposes, the gross weight of such trailer and its load shall not be computed as part of the maximum gross weight of any motor truck or truck tractor: PROVIDED, FURTHER, That the weight of any camper as defined in this 1971 amendatory act shall be exempt from the determination of gross weight in the computation of any tonnage fees required under RCW 46.16.070.

The maximum gross weight in the case of any auto stage and for hire vehicle, except taxicabs, with seating capacity over six, shall be the scale weight of each auto stage and for hire vehicle plus an average load factor of fifty percent of the seating capacity computed at one hundred and fifty pounds per seat.

NEW SECTION. Sec. 2. There is added to chapter 46.04 RCW a new section to read as follows:

"Camper" means a structure designed to be mounted upon a motor vehicle which provides facilities for human habitation or for temporary outdoor or recreational lodging and which is five feet or more in overall length and five feet or more in height from its floor to its ceiling when fully extended, but shall not include motorhomes as defined in section 3 of this 1971 amendatory act.

NEW SECTION. Sec. 3. There is added to chapter 46.04 RCW a new section to read as follows:

"Motor homes" means motor vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation.

NEW SECTION. Sec. 4. There is added to chapter 46.04 RCW a new section to read as follows:

"Mobile home" means all trailers of the type designed as facilities for human habitation and which are capable of being moved upon the public streets and highways and which are more than thirty-five feet in length or more than eight feet in width, except

as hereinafter specifically excluded, and excluding modular homes.

NEW SECTION. Sec. 5. There is added to chapter 46.04 RCW a new section to read as follows:

"Modular home" means any factory-built housing designed primarily for residential occupancy by human beings which does not contain a permanent frame and must be mounted on a permanent foundation.

NEW SECTION. Sec. 6. There is added to chapter 46.12 RCW a new section to read as follows:

The provisions of chapter 46.12 RCW concerning the registration and titling of vehicles, and the perfection of security interests therein shall apply to campers, as defined in section 2 of this 1971 amendatory act. In addition, the director of motor vehicles shall have the power to adopt such rules and regulations he deems necessary to implement the registration and titling of campers and the perfection of security interests therein.

NEW SECTION. Sec. 7. There is added to chapter 46.16 RCW a new section to read as follows:

It shall be unlawful for a person to operate any vehicle equipped with a camper over and along a public highway of this state without first having obtained and having in full force and effect a current and proper camper license and displaying a camper license number plate therefor as required by law.

Application for an original camper license shall be made on a form furnished for the purpose by the director. Such application shall be made by the owner of the camper or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true and to the best of his knowledge. The application must show:

- (1) Name and address of the owner of the camper;
- (2) Trade name of the camper, model, year, and the serial number thereof;
- (3) The weight of such camper which shall be the shipping weight thereof as given by the manufacturer thereof;
- (4) Such other information as the director requires.

There shall be paid and collected annually for each calendar year or fractional part thereof and upon each camper a license fee in the sum of three dollars and fifty cents.

Except as otherwise provided for in this section, the provisions of chapter 46.16 RCW shall apply to campers in the same manner as they apply to vehicles.

Sec. 8. Section 46.08.090, chapter 12, Laws of 1961 as amended by section 13, chapter 156, Laws of 1965 and RCW 46.01.130 are each amended to read as follows:

The department of motor vehicles shall have the general

supervision and control of the issuing of vehicle licenses and vehicle license number plates and mobile home identification tags and shall have the full power to do all things necessary and proper to carry out the provisions of the law relating to the licensing of vehicles and the issuance of mobile home identification tags; the director shall have the power to appoint and employ deputies, assistants and representatives, and such clerks as may be required from time to time, and to provide for their operation in different parts of the state, and the director shall have the power to appoint the county auditors of the several counties as his agents for the licensing of vehicles and the issuance of mobile home identification tags.

Sec. 9. Section 46.08.100, chapter 12, Laws of 1961 as last amended by section 14, chapter 156, Laws of 1965 and RCW 46.01.140 are each amended to read as follows:

The county auditor, if appointed by the director of motor vehicles shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates and the issuance of mobile home identification tags under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates and to issue mobile home identification tags, collect fees therefor, and receive the payment of property taxes on mobile homes.

At any time any application is made to the director, the county auditor or other agent pursuant to any law dealing with licenses, certificates of ownership, registration (~~OR~~), the right to operate any vehicle upon the public highways of this state, or the issuance of mobile home identification tags, the applicant shall pay to the director, county auditor or other agent a fee of fifty cents for each application in addition to any other fees required by law, which fee of fifty cents, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. In the event that such fee is paid to another agent of the director, such fee shall be used by such agent to defray his expenses in handling the application: PROVIDED, That in the event such fee is collected by the state patrol, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

Sec. 10. Section 46.16.100, chapter 12, Laws of 1961 as amended by section 5, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.100 are each amended to read as follows:

When any vehicle subject to license is to be moved upon the public highways of this state from one point to another, the director may issue a special permit therefor upon an application presented to him in such form as shall be approved by the director and upon payment therefor of a fee of ten dollars. Such permit shall be for one transit only between the points of origin and destination as set forth in the application: PROVIDED, That for each vehicle used exclusively in the transportation of circus, carnival, and show equipment and in the transportation of supplies used in conjunction therewith, there shall be charged in addition to other fees provided for the licensing of vehicles, an annual capacity fee in the amount of ten dollars: PROVIDED FURTHER, That ((no)) a special permit or one-transit permit shall be issued for movement of a ((house trailer as defined in chapter 92.50 RCW unless the applicant therefor has a stamp issued thereunder)) mobile home as defined in section 4 of this 1971 amendatory act pursuant to section 21 of this 1971 amendatory act.

Sec. 11. Section 46.68.030, chapter 12, Laws of 1961 as last amended by section 25, chapter 281, Laws of 1969 ex. sess. and RCW 46.68.030 are each amended to read as follows:

All fees received by the director for vehicle licenses and mobile home identification tags under the provisions of chapter 46.16 shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be by him deposited to the credit of the motor vehicle fund, and out of each vehicle basic license fee as provided for in RCW 46.16.060 and each mobile home identification tag fee as provided for in section 16 of this 1971 amendatory act, the state treasurer shall deposit six dollars to the credit of the state patrol highway account of the motor vehicle fund. A minimum of ten percent of the funds deposited in such account shall be appropriated and expended for the enforcement of RCW 46.44.100 relating to weight control.

NEW SECTION. Sec. 12. There is added to chapter 46.01 RCW a new section to read as follows:

In addition to all other powers and duties, the director of motor vehicles shall design and adopt an identification tag to be used by mobile home owners in lieu of the vehicle license and vehicle license number plate requirements of this state. The director shall have the power to adopt such rules and regulations pertaining to mobile homes as the director deems necessary.

NEW SECTION. Sec. 13. There is added to chapter 46.12 RCW a new section to read as follows:

When the ownership of a mobile home is transferred and the new owner thereof applies for a new certificate of ownership for such mobile home, the director of motor vehicles or his agents, including county auditors, shall notify the county assessor of the county where such mobile home is located of the change in ownership including the name and address of the new owner and the name of the former owner.

NEW SECTION. Sec. 14. There is added to chapter 46.12 RCW a new section to read as follows:

The provisions of chapter 46.12 RCW insofar as they are not inconsistent with the provisions of this 1971 amendatory act shall apply to mobile homes regulated by this 1971 amendatory act: PROVIDED, That RCW 46.12.080, 46.12.090, and 46.12.250 through 46.12.270 shall not apply to mobile homes. In addition, the director of motor vehicles shall have the power to adopt such rules and regulations as he deems necessary to implement the provisions of chapter 46.12 RCW as they relate to mobile homes.

NEW SECTION. Sec. 15. There is added to chapter 46.16 RCW a new section to read as follows:

Vehicle licenses and vehicle license number plates shall not be required for mobile homes and need not be displayed thereon. In lieu of vehicle licenses and vehicle license number plates, the director or his agents, including county auditors, shall issue mobile home identification tags for each calendar year. Such tags shall be issued beginning on the first day of the current licensing period or on the date the mobile home is first purchased or brought into this state and shall be used and displayed from the date of issue or from the thirty-fifth day after the expiration of the preceding motor vehicle licensing period or from the thirtieth day after the mobile home is first purchased or brought into this state whichever date is the latest.

The mobile home identification tag shall be displayed in a conspicuous manner on the mobile home identified by such tag. It shall be unlawful to display on any mobile home, mobile home identification tags other than those furnished by the director or his agents, including county auditors, for such mobile home or to display upon any mobile home any mobile home identification tag which has been in any manner changed, altered, disfigured, or has become illegible.

The director may, in his discretion and under such rules and regulations as he may prescribe, adopt a type of mobile home identification tag whereby the same shall be used as long as legible on the mobile home for which issued, with provision for tabs or emblems to be attached thereto or elsewhere on the mobile home to signify renewals, in which event the term "mobile home identification tag" as used in any enactment shall be deemed to include in addition

to such tag, the tab or emblem signifying renewal except when such tag contains the designation of the current year without reference to any tab or emblem. Renewals shall be effected by the issuance and display of such tab or emblem.

NEW SECTION. Sec. 16. There is added to chapter 46.16 RCW a new section to read as follows:

Application for original mobile home identification tag shall be made on a form designed and furnished for the purpose by the director. Such application shall be made by the owner of the mobile home or his duly authorized agent over the signature of such owner or agent and he shall certify that the statements therein are true to the best of his knowledge.

There shall be paid for the issuance of the mobile home identification tag a fee of nine dollars and forty cents which shall be collected by the director or his agents, including county auditors, one-half of which shall be credited to the payment of property taxes due, if any, on such mobile home at that time.

Annually the director shall include the applicable assessed valuation of a mobile home on the application form for a mobile home identification tag together with a notation of the mobile home identification tag fee which shall be transmitted to the county treasurer. The county treasurer shall multiply the applicable assessed valuation by the total applicable millage and determine the property taxes due and payable. The county treasurer shall mail the completed application form showing the property taxes due and payable and the identification tag fee due to the applicant. After payment or legal provision for payment is made, the director or his agents, including county auditors, shall issue the mobile home identification tag and a receipt showing that the fee therefor has been paid and also shall issue a receipt for the property taxes paid.

When the applicant makes an original application for a mobile home identification tag after the close of the thirty-five day registration period as set forth in section 15 of this 1971 amendatory act, the county treasurer shall prorate the amount of property tax for the following year's collection on a monthly basis.

NEW SECTION. Sec. 17. There is added to chapter 46.16 RCW a new section to read as follows:

Upon receipt by agents of the director, including county auditors, of original applications for mobile home identification tags accompanied by the proper fees and taxes as provided for in section 16 of this 1971 amendatory act, such agents shall, if the applications are in proper form and accompanied by such information as may be required by the director, immediately forward them, together with the identification tag fees, to the director.

NEW SECTION. Sec. 18. There is added to chapter 46.16 RCW a

new section to read as follows:

(1) Upon receipt of the application and identification tag fee for an original mobile home identification tag, the director shall make a recheck of the application and in the event there is error in the application it may be returned to the county auditor or other agent to effectively secure the correction of such error, who shall return the same corrected to the director.

(2) Application for the renewal of a mobile home identification tag shall be made to the director or his agents, including county auditors, by the owner of a mobile home on a form prescribed by the director. The application must be accompanied by proof of ownership deemed sufficient by the director unless the applicant submits a preprinted application mailed from Olympia and the payment of fees and taxes as may be required by law. Such application shall be handled in the same manner and the fees and taxes transmitted in the same manner as in the case of an original application. Any such application which upon validation becomes a renewal certificate need not have entered on it the name of the lienholder, if any, of the mobile home concerned.

(3) Persons expecting to be out of the state during the period from January first through February first may, not earlier than December first but prior to January first, secure renewal of a mobile home identification tag and have such tag preissued by making application to the director or his agents, including county auditors, upon forms prescribed by the director. The application must be accompanied by proof of ownership deemed sufficient by the director and be accompanied by the payment of such fees as may be required by law including a special handling fee of one dollar, fifty cents to be retained by the issuing agency and fifty cents to be deposited in the highway safety fund and property tax as may be required by law.

NEW SECTION. Sec. 19. There is added to chapter 46.16 RCW a new section to read as follows:

After receipt of payment of property taxes under the provisions of this 1971 amendatory act, the director or his agents, including county auditors, shall transmit such taxes to the county treasurer who shall receive and collect such taxes as required of county treasurers under the provisions of Title 84 RCW.

NEW SECTION. Sec. 20. The director of highways shall require every person except a dealer using dealer license plates or a transporter using transporter license number plates moving a mobile home on the public roads and highways of this state to obtain a mobile home movement permit as provided in section 21 of this 1971 amendatory act and pay the fee therefor. The director of highways shall issue a copy of such permit to the assessor of the county where such mobile home was located and to the assessor of the county where

such mobile home will be located: PROVIDED, That when a mobile home is to enter this state, a copy of such permit shall only be sent to the assessor of the county where such mobile home will be located and when a mobile home is to leave this state, a copy of such permit shall only be sent to the assessor of the county where such mobile home was located.

NEW SECTION. Sec. 21. When any mobile home, as defined in section 4 of this 1971 amendatory act, except those displaying dealer license plates or transporter license number plates is to be moved upon the public highways of this state from one point to another, the department of highways may issue a special mobile home movement permit therefor upon an application presented to it in such form as approved by the director of the department of highways and upon payment therefor of a fee of five dollars. Such permit shall be for one transit only between the points of origin and destination as set forth in the application: PROVIDED, That no special mobile home movement permit shall be issued for movement of a mobile home unless the applicant therefor can prove to the satisfaction of the director of highways that all taxes and fees have been paid on such mobile home. All mobile home movement permit fees received by the director of highways under the provisions of this section shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report and be by him credited to the motor vehicle fund.

NEW SECTION. Sec. 22. Any person who shall move a mobile home on the public roads and highways of this state when such mobile home does not have a mobile home movement permit obtained as required by section 21 of this 1971 amendatory act shall be guilty of a misdemeanor: PROVIDED, That such person shall be relieved of such criminal liability if such mobile home displays dealer license plates or transporter license number plates and if within ten days of moving a mobile home, the person notifies the director of the department of highways of the origin and destination of the mobile home.

NEW SECTION. Sec. 23. There is added to chapter 46.70 RCW a new section to read as follows:

The provisions of chapter 46.70 RCW shall apply to the distribution and sale of mobile homes and to mobile home dealers, salesmen, distributors, manufacturers, factory representatives, or other persons engaged in such distribution and sale to the same extent as for motor vehicles.

NEW SECTION. Sec. 24. (1) Sections 1 through 7 of this 1971 amendatory act shall take effect on January 1, 1972.

(2) Sections 8 through 23 of this 1971 amendatory act shall take effect on January 1, 1973.

Passed the House May 10, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 232

[Engrossed Substitute House Bill No. 772]

AIR POLLUTION CONTROL--
FIRE AND BURNING PERMITS

AN ACT Relating to air pollution control; requiring permits for certain fires; adding new sections to chapter 232, Laws of 1957 and to chapter 70.94 RCW; and repealing section 25, chapter 232, Laws of 1957, section 42, chapter 238, Laws of 1967 and RCW 70.94.250.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Any person who proposes to set fires in the course of the following:

- (1) Weed abatement,
 - (2) Instruction in methods of fire fighting (except forest fires), or
 - (3) Disease prevention relating to agricultural activities,
- shall, prior to carrying out the same, obtain a permit from an air pollution control authority or the department of ecology, as appropriate. Each such authority and the department of ecology shall, by rule or ordinance, establish a permit system to carry out the provisions of this section except as provided in section 2 of this act. General criteria of state-wide applicability for ruling on such permits shall be established by the department, by rule or regulation, after consultation with the various air pollution control authorities. Permits shall be issued under this section based on seasonal operations or by individual operations, or both: PROVIDED, That all permits so issued shall be conditioned to insure that the public interest in air, water, and land pollution and safety to life and property is fully considered. In addition to any other requirements established by the department to protect air quality pursuant to other laws, applicants for permits must show that the setting of fires as requested is the most reasonable procedure to follow in safeguarding life or property under all circumstances or is otherwise reasonably necessary to successfully carry out the enterprise the applicant is engaged in. All burning permits will be designed to minimize air pollution insofar as practical. Nothing in