

Chapter 44.04
GENERAL PROVISIONS

44.04.040 VOUCHERS FOR PAY AND MILEAGE OF MEMBERS—WARRANTS. The chief clerk of the house of representatives and the secretary of the senate are hereby directed to prepare vouchers for the state treasurer for the mileage and daily pay of members of the legislature on presentation of certificates showing amounts due for miles traveled and services rendered to dates specified. The certificates shall be signed by the speaker or president, and countersigned by the chief clerk or secretary, respectively, of the body to which the members belong. The state treasurer shall issue warrants which shall be in favor of and payable to the order of the persons named in said certificates. [1973 c 106 § 17; 1890 p 6 § 1; RRS § 8150.]

44.04.050 VOUCHERS FOR PAY OF EMPLOYEES—WARRANTS. The chief clerk of the house of representatives and the secretary of the senate shall prepare vouchers for the state treasurer for sums covering amounts due officers and employees of the legislature on presentation of certificates signed by the speaker or president, and countersigned by the chief clerk or secretary of the body in which the service of the officer or employee is rendered, and showing amounts due to dates specified. The state treasurer shall issue warrants which shall be drawn in favor and be made payable to the order of the officer or employee named in each certificate. [1973 c 106 § 18; 1890 p 3 § 1; RRS § 8148.]

44.04.060 VOUCHERS FOR INCIDENTAL EXPENSES—WARRANTS. The chief clerk of the house of representatives and the secretary of the senate are hereby directed to prepare vouchers for the state treasurer for the incidental expenses of the legislature, on presentation of certificates showing amounts due for material furnished and services rendered to dates specified. The certificates shall be signed by the speaker or president, and countersigned by the sergeant-at-arms, respectively, of the body ordering the expenditures. The state treasurer shall issue warrants which shall be in favor of and payable to the order of the persons named in said certificates. [1973 c 106 § 19; 1890 p 10 § 1; RRS § 8152.]

44.04.090 WARRANTS FOR SUBSISTENCE AND LODGING. The state treasurer shall issue warrants for said reimbursement supported by affidavits that the reimbursement is claimed for expenses of subsistence and

lodging actually incurred without itemization and without receipts. Such warrants shall be immediately paid from any funds appropriated for the purpose. [1973 c 106 § 20; 1941 c 173 § 2; Rem. Supp. 1941 § 8153-2.]

44.04.120 MEMBERS' ALLOWANCES WHEN ENGAGED IN COMMITTEE BUSINESS. Each member of the senate or house of representatives when serving on official legislative business during the interim between legislative sessions, or while serving on the legislative council, the legislative budget committee, or any other permanent or interim committee, commission, or council of the legislature shall be entitled to receive, in lieu of per diem or any other payment, for each day or major portion thereof in which he is actually engaged in legislative business or business of the committee, commission, or council, notwithstanding any laws to the contrary, forty dollars per day, plus mileage allowance at the rate of ten cents per mile when authorized by the house, committee, commission, or council of which he is a member and on the business of which he is engaged. [1973 1st ex.s. c 197 § 5; 1967 ex.s. c 112 § 4; 1963 ex.s. c 7 § 1; 1959 ex.s. c 10 § 1.]

Legislative finding and declaration:
"In view of the decreased purchasing power of the dollar and the concomitant increase in the cost of living during the past several years, the members of the legislature declare that the twenty-five dollar per diem allowance provided during the past several interims between sessions in lieu of subsistence and lodging is inadequate to cover necessary expenses incurred while serving on official legislative business during the interim. The legislature further finds and declares that forty dollars per day is a fair and adequate allowance to cover such reimbursement." [1973 1st ex.s. c 197 § 4.]

Chapter 44.28
LEGISLATIVE BUDGET COMMITTEE

44.28.086 MANAGEMENT SURVEYS—REVIEWS OF PROGRAM GOALS AND OBJECTIVES, PERFORMANCE AUDITS TO BE INCLUDED. The legislative budget committee authority for management surveys contained in RCW 44.28-.085 shall include reviews of program goals and objectives of public bodies, officers or employees to determine conformity with legislative intent and shall include comprehensive performance audits to ensure that agency programs are being conducted in accordance with legislative intent and program goals and objectives. [1973 1st ex.s. c 197 § 1.]

44.28.087 AGENCIES TO FURNISH COMMITTEE WITH PERFORMANCE REPORTS, INTERNAL AUDITS, ETC. All agency reports concerning program performance, including administrative review, quality control, and other internal audit or performance reports, as requested by the legislative budget committee, shall be furnished by the agency requested to provide such report. [1973 1st ex.s. c 197 § 2.]

Chapter 44.40
LEGISLATIVE TRANSPORTATION
COMMITTEE—SENATE AND HOUSE
TRANSPORTATION AND UTILITIES COMMITTEES

44.40.020 POWERS, DUTIES AND STUDIES.

Powers and studies set forth in chapter 210, Laws of 1973 1st ex.s.:

"NEW SECTION. Section 1. There is added to chapter 44.40 RCW a new section to read as follows:

The legislative transportation committee and/or the senate and house transportation and utilities committees is or are hereby authorized to consider the following subjects of study and such other related subjects as it or they deem appropriate, and report its or their findings and recommendations in connection therewith not later than the convening of the 1975 regular legislative session:

(1) Establishing organizational and policy guidelines for the review of state-wide transportation needs, the interrelationship of all transportation needs and the development and implementation of a state-wide transportation plan;

(2) A review of the energy crisis problem and its implication with respect to long range transportation planning, and utility planning related to transportation;

(3) The relationship between the environment and transportation improvements including an analysis of land use patterns and the costs and benefits of environmental impact statements;

(4) A reevaluation of priority programming criteria including the feasibility of adding short and long-term social, economic, and environmental cost/benefit considerations.

(5) Feasibility of integrating the Puget Sound reserve, capital construction and ferry operations accounts into a single account or integrating ferry system needs and funding with that of highways;

(6) An analysis of alternative state funding methods with respect to providing for a balanced and adequate transportation system taking into consideration the direction of federal funding;

(7) Development of a simplified fee structure for the highway safety fund or consolidation of said fund with the motor vehicle fund;

(8) A review of the purposes, policies, procedures, and utilization of the highway equipment fund;

(9) Analysis of alternative financing methods for railroad grade crossing protection;

(10) Develop methods for determining priorities among high accident locations including railroad grade crossings in cooperation with the state highway commissioners, and utilities and transportation commissioners;

(11) Develop a pilot project in planning, programming, and budgeting improvement through the development of an interagency traffic safety program in cooperation with transportation agencies and the office of program planning and fiscal management;

(12) The concept of a scenic and recreational highway system considering the provisions of section 8, chapter 195, Laws of 1971 ex. sess. and senate bill 2539 (1973 legislative session);

(13) A continuing analysis of methods to recover for transportation purposes a portion of the increased land values resulting from transportation improvements;

(14) A continuing analysis of the relationship between traffic patrol manpower levels and accidents on state highways and county roads;

(15) An evaluation of alternatives to court adjudication of traffic violations such that the quality and timeliness of both traffic and nontraffic violation judgments may be improved and accelerated;

(16) A continuing review of traffic safety activities and state compliance with federal standards, in general, and effective methods and procedures of implementing and operating a state-wide annual vehicle safety and emission control inspection program;

(17) An investigation to determine a feasible and acceptable procedure for mandatory physician reporting of diagnosed disabilities and conditions tending to create a threat or hazard to the individual and/or the motoring public if unrestricted licensing for motor vehicle operation is granted;

(18) A cost/benefit analysis relating to the acquisition, installation, and operation of on line video display terminals for high density courts which would permit direct and immediate driver record and status look-up capability via the department of motor vehicles driver records computer;

(19) Through stratified representative sampling procedures establish just and equitable customer service guidelines (i.e., time and travel distance) for the examination of license applicants and issuance of vehicle operators licenses;

(20) Feasibility and desirability of establishing a separate assistant directorship for right of way activities in cooperation with the department of highways;

(21) Establish policies and guidelines for biennial highway commission review of highway, street and road sections with respect to whether such sections should be added to or deleted from the state highway system;

(22) Review procedures now required to dispose of surplus real property and possible improvements in such procedures;

(23) Comparison of compensation practices of the state patrol for commissioned personnel with those of other law enforcement agencies;

(24) The desirability and feasibility of regulating signing adjacent to public highways taking into consideration the provisions of senate bills 2209 and 2434 and house bill 289 (1973 legislative session);

(25) Analysis of highway conditions which may justify raising or lowering traffic speeds taking traffic safety and existing studies into consideration, and the feasibility of utilizing electronic variable speed control devices in heavy traffic corridors;

(26) Review of traffic offense penal system, including attitudes and effectiveness;

(27) Feasibility and desirability of installation of emergency public telephone service along public highways in cooperation with the state highway commission;

(28) An evaluation of the need for additional regulation of the visibility of bicycles for safety purposes;

(29) A reevaluation of the functional classification criteria including the feasibility of classifying by function by assessment of percentages of each of the following types of trips:

(a) home-to-work;

(b) commodities movement (including farm to market);

(c) defense, military, emergency;

(d) recreation; and a reevaluation of the criteria for selection of specific projects for priority of construction within each functional class;

(30) Analysis of equity of aviation fuel excise tax provisions, particularly as they relate to third level air carriers and air travel clubs.

(31) Alternative courses of action to reduce and control air pollution resulting from transportation sources, an analysis of their relative effectiveness and cost, and assessment of their relative acceptability by the public;

(32) Alternative courses of action to reduce and control noise pollution resulting from transportation sources, an analysis of their relative effectiveness and cost, and assessment of their relative acceptability by the public;

(33) Desirability and feasibility of establishing a transportation research center taking into consideration costs and benefits, such centers in other states, and state and federal funding sources;

(34) An analysis of the transportation planning process used by cities and counties, including the effects of state requirements thereon, and the adequacy of local planning procedures in meeting the objectives of state planning requirements;

(35) A feasibility study of providing water transportation for commuter foot passengers within the Lake Washington-Lake Union area, including the provision of appropriate terminal facilities and coordination with land transportation facilities;

(36) Evaluation of state highway landscaping practices with respect to safety and beautification purposes. [1973 1st ex.s. c 210 § 1.]

NEW SECTION. Sec. 5. The legislative transportation committee and/or the senate and house transportation and utilities committees and the state highway commission may jointly consider the following proposed highway additions or improvements by undertaking appropriate studies and surveys as may be necessary to evaluate their merits, said studies to be completed prior to September 1, 1974:

(1) A realignment of state route 104 east of Interstate 5 generally along the Snohomish-King county line;

(2) Traffic and safety improvements required on highways adjacent to ports of entry along the Canadian border as provided in Senate Resolution 1972-42;

(3) Alternative corridors to proposed north-south Spokane freeway including social impact and cost/benefit analysis. [1973 1st ex.s. c 210 § 5.]

NEW SECTION. Sec. 6. The department of motor vehicles in cooperation with the legislative transportation committee and/or the senate and house transportation and utilities committees is or are hereby directed to study the feasibility and desirability, both departmental and public, of implementing a staggered vehicle licensing system. A report including recommendations shall be made to the legislature not later than the convening of the 1975 regular legislative session. [1973 1st ex.s. c 210 § 6.]

NEW SECTION. Sec. 7. The legislative transportation committee or the standing transportation and utilities committees of the senate and house are hereby authorized to make available \$20,000 or so much thereof as may be necessary to the western conference of the council of state governments. Such funds will be made available for use by its subcommittee on short haul air transportation only in the event that the subcommittee is continued by at least seven participating states and that it is evident that federal funds have been secured through the department of transportation for continuation of the short haul air transportation study under the auspices of the western conference of the council of state governments. In the event that the said conference obtains sufficient state and federal funds for

continuation of the short haul air transportation study, the state of Washington will be the administrator of the funds for the participating states according to the procedures prescribed by the office of the attorney general.

There is hereby appropriated from the aeronautics account of the general fund the sum of \$20,000 to carry out the provisions of this section. [1973 1st ex.s. c 210 § 7.]

NEW SECTION. Sec. 8. The department of highways, in cooperation with the legislative transportation committee and/or the senate and house transportation and utilities committees, is directed to communicate with all appropriate state agencies and other governmental officials concerning the development of a quad-city airport to serve the cities of Pullman and Clarkston, Washington, and Lewiston and Moscow, Idaho, and to determine the effect such development may have on the priority for construction of SR 193 from Clarkston to Colton. [1973 1st ex.s. c 210 § 8.]

NEW SECTION. Sec. 9. The legislative transportation committee and/or the senate and house transportation and utilities committees, in conjunction with the department of highways, are authorized to consult with the transportation agencies of the states, counties and cities affected, as well as the Columbia Region Association of Governments, and private transportation companies, with respect to the interstate transportation needs of the Vancouver/Portland area and alternative solutions thereto. The committee(s) are further authorized to apply for and receive federal funding and support of said study, and to negotiate with affected governmental units to obtain such matching funds as may be required. [1973 1st ex.s. c 210 § 9.]

Reviser's note: For other powers, duties and studies contained in 1973 1st ex.s. c 210, see RCW 44.40.090-44.40.110.

44.40.070 STATE TRANSPORTATION AGENCIES--PREPARATION OF LONG RANGE PLANS, COMPREHENSIVE PROGRAMS AND FINANCIAL PLANS REQUIRED. Prior to October 1 of each even-numbered year all state agencies whose major programs consist of transportation activities, including the state highway commission, the toll bridge authority, the urban arterial board, the Washington state patrol, the department of motor vehicles, the traffic safety commission, the county road administration board, and the aeronautics commission, shall adopt or revise after consultation with the legislative transportation committee, and/or senate and house transportation and utilities committees, a long range plan of not less than six years and comprehensive six-year program and financial plan for all transportation activities under each agency's jurisdiction.

The long range plan shall state the general objectives and needs of each agency's major transportation programs.

The comprehensive six-year program and financial plan shall be prepared in consonance with the long range plan and shall identify that portion of the long range plan to be accomplished within the succeeding six-year period. [1973 1st ex.s. c 201 § 1.]

44.40.080 STATE TRANSPORTATION AGENCIES--RECOMMENDED BUDGET--PREPARATION AND PRESENTATION--CONTENTS. Notwithstanding any other provision of law, state transportation agencies shall prepare and present to the governor and to the legislature prior to its convening a recommended budget for the ensuing biennium. The biennial budget shall include details of expenditures, and performance and public service criteria for the transportation programs and activities of each agency in consonance with said agency's adopted six-year comprehensive program and financial plan. [1973 1st ex.s. c 201 § 2.]

44.40.090 DELEGATION OF POWERS AND DUTIES TO SENATE AND HOUSE TRANSPORTATION AND UTILITIES COMMITTEES. Powers and duties enumerated by this chapter shall be delegated to the senate and house transportation and utilities committees during periods when the legislative transportation committee is not appointed. [1973 1st ex.s. c 210 § 2.]

44.40.100 CONTRACTS AUTHORIZED. The legislative transportation committee and/or the senate and house transportation and utilities committees may enter into contracts on behalf of the state to carry out the purposes of this 1973 act [1973 1st ex. sess. c 210]; and it or they may enter into contracts to receive federal or other fund grants or gifts. When federal or other funds are received, they shall be deposited with the state treasurer and thereafter expended only upon approval by the committee or committees. [1973 1st ex.s. c 210 § 3.]

44.40.110 REVIEW AND STUDY OF TAXING STRUCTURE FOR TRANSPORTATION PROGRAMS AND ACTIVITIES. The senate and house transportation and utilities committees are authorized to undertake a review of the total taxing structure for transportation programs and activities including:

(1) Alternative methods of taxing fuels and establishing license and road use fees;

(2) And the equity of the taxing structure, including but not limited to motor vehicle tonnage and excise taxes, between various classes of vehicles and users.

Said study shall be divided into two phases, a preliminary phase for the purpose of specifically defining the scope and guidelines of the study, and the major study phase for the conduct of the detailed study work.

The committees are authorized to employ a consultant to conduct the study and cooperate with state and federal government agencies in the conduct of said study.

The findings and recommendations of the study shall be submitted to the legislature prior to the convening of the 1975 regular legislative session.

There is hereby appropriated from the motor vehicle fund the sum of five hundred thousand dollars or so much thereof as may be necessary to conduct the study. The committees are directed to seek federal participation and are authorized to receive federal funds for said purpose. [1973 1st ex.s. c 210 § 4.]

Chapter 44.60
LEGISLATIVE ETHICS

44.60.030 BOARDS OF LEGISLATIVE ETHICS—JURISDICTION.

Reviser's note: The act which amended this section [1972 ex.s. c 82] was referred to and ratified by the people at the November 7, 1972 general election [Referendum Bill No. 24]. Section 50 of Initiative Measure No. 276 which was approved at the same election repealed 1972 ex.s. c 82 and Referendum Bill No. 24. See RCW 42.17.940.

Chapter 44.64
LEGISLATIVE LOBBYING
(Referendum Bill No. 24--1972)

44.64.010 THROUGH 44.64.120 AND 44.64-.900 THROUGH 44.64.930. [1972 ex.s. c 82 §§ 1-10, 13-17 (Referendum Bill No. 24); 1967 ex.s. c 131 §§ 1, 2, 4-6.] Repealed by 1973 c 1 § 50 (Initiative Measure No. 276 § 50).

TITLE 45
TOWNSHIPS

Sections added, amended, or repealed:

Chapter 45.72 Miscellaneous Provisions.

45.72.050 Payment of outstanding obligations—Tax levy to pay obligations.

Chapter 45.82 Ad Valorem Taxes—Special Assessments—Gifts—Disorganization Election.

45.82.020 Levy of property taxes by county commissioners.

Chapter 45.72
MISCELLANEOUS PROVISIONS

45.72.050 PAYMENT OF OUTSTANDING OBLIGATIONS—TAX LEVY TO PAY OBLIGATIONS. There shall be levied annually at the same time the levy for general county taxes is made, and by the officers levying the said county tax, a tax of not more than one dollar and twenty-five cents per thousand dollars of assessed value on all taxable property within the territorial limits of every such road district as the same existed at the time of the adoption of such township organization for the payment of and until the full amount of all indebtedness, together with all accrued and accruing interest thereon, existing against any such road district, shall have been paid in full. [1973 1st ex.s. c 195 § 45; 1911 c 13 § 2; RRS § 11481.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 45.82
AD VALOREM TAXES—SPECIAL ASSESSMENTS—
GIFTS—DISORGANIZATION ELECTION

45.82.020 LEVY OF PROPERTY TAXES BY COUNTY COMMISSIONERS. Any township which at the time that this 1969 amendatory act takes effect has outstanding obligations in excess of anticipated receipts from sources other than general tax levies for the next ensuing year may certify the same to the board of county commissioners and the board shall levy taxes on the property within the township at the rates which the township would have been permitted to levy except for this 1969 amendatory act until such obligations have been extinguished, and until such time such dollar rate levy will take precedence over any additional dollar rates of fire protection districts under this 1969 amendatory act. [1973 1st ex.s. c 195 § 46; 1969 ex.s. c 243 § 3.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

TITLE 46
MOTOR VEHICLES

Sections added, amended, or repealed:

Chapter 46.01 Department of Motor Vehicles.

- 46.01.130 Powers of department and director—Personnel—Appointment of county auditors as agents.
- 46.01.140 County auditors, others, as agents of director—Disposition of application fees.
- 46.01.300 Mobile homes—Owner identification tag—Rules and regulations.
- Chapter 46.04 Definitions.
- 46.04.552 Special mobile equipment.
- Chapter 46.10 Snowmobiles.
- 46.10.040 Application for registration—Fee—Registration number—Term—Renewal—Transfer—Non-resident permit—Decals.
- 46.10.070 Affixing and displaying registration number.
- 46.10.080 Distribution of snowmobile registration fees.
- 46.10.150 Treasurer's duty to refund snowmobile fuel tax to general fund—Crediting—Use.
- 46.10.210 Administration.
- Chapter 46.16 Vehicle Licenses.
- 46.16.010 Licenses and plates required—Exceptions.
- 46.16.020 Exemptions—State and publicly owned vehicles—Registration.
- 46.16.045 Temporary permits—Authorized.
- 46.16.104 Mobile home movement permit, vehicle license plates—Required—Copies to county assessors.
- 46.16.106 Mobile home movement without permit or vehicle license plate as misdemeanor—Exception.
- 46.16.115 Payment of tonnage fees separately on trailers or semi-trailers—Optional.
- 46.16.355 Personalized license plates—Fees, disposition.
- 46.16.510 Mobile home identification tags—Issuance—Display—Use of tabs or emblems—Unlawful acts relating to.
- 46.16.520 Mobile home identification tags—Application for—Fee, disposition—Provision for payment of property taxes due with issuance of tag.
- 46.16.530 Mobile home identification tags—Forwarding of applications, fees and taxes by agents.
- 46.16.540 Mobile home identification tags—Procedure upon receipt of application—Renewal, application, fee, preissue.
- 46.16.550 Mobile home identification tags—Taxes transmitted to county treasurer.
- 46.16.555 Personalized license plates—Use of fees for support and aid of wildlife resources—Purpose of act.
- 46.16.560 Personalized license plates—Defined.
- 46.16.565 Personalized license plates—Application.
- 46.16.570 Personalized license plates—Design.
- 46.16.575 Personalized license plates—Issuance to registered owner only.
- 46.16.580 Personalized license plates—Application requirements.
- 46.16.585 Personalized license plates—Fees.
- 46.16.590 Personalized license plates—Transfer fees.
- 46.16.595 Personalized license plates—Transfer or surrender of plates upon sale or release of vehicle ownership.
- 46.16.600 Personalized license plates—Rules and regulations.
- 46.16.605 Personalized license plates—Disposition of fees—Costs.
- 46.16.610 Referral to electorate.
- 46.16.900 Severability—1973 1st ex.s. c 132.
- Chapter 46.20 Drivers' Licenses—Identification Cards.
- 46.20.100 Application of minor under eighteen years of age—Cosignature required—Traffic safety education course required—Exception.
- 46.20.311 Duration of suspension or revocation—Conditions for reissuance or renewal.
- 46.20.322 Driver improvement interview required before suspension, revocation, probation, or nonrenewal—Exceptions.
- 46.20.391 Occupational driver's license—Petition—Eligibility—Restrictions—Cancellation.
- Chapter 46.44 Size, Weight, Load.
- 46.44.040 Maximum gross weights—Axle factor.
- 46.44.047 Excess weight—Logging trucks—Special permits—County or city permits—Fees—Discretion of arresting officer.
- 46.44.080 Local regulations—State highway regulations.
- 46.44.0941 Special permits for oversize or overweight movements—Fees.
- 46.44.095 Special permits for oversize or overweight movements—Additional gross load—Fees.
- 46.44.130 Farm implements—Gross weight limitation exception—Penalty.
- 46.44.140 Farm implements—Special permits—Penalty.
- Chapter 46.52 Accidents—Reports—Abandoned Vehicles.
- 46.52.130 Abstract of driving record to be furnished insurance company,

employers—Confidentiality—
Fees—Penalty.

Chapter 46.61 Rules of the Road.

- 46.61.427 Slow moving vehicle to pull off roadway.
46.61.520 Negligent homicide by motor vehicle—Penalty.

Chapter 46.64 Enforcement.

- 46.64.040 Nonresident's use of highways as assent to being sued and served in state—Resident leaving state—Secretary of state as attorney in fact.
46.64.070 Stopping motor vehicles for driver's license check, vehicle inspection and test—Authorized—Powers additional.

Chapter 46.65 Washington Habitual Traffic Offenders Act.

- 46.65.060 Court order—Filing with department—Revocation of operator's license—Stay by court order.

Chapter 46.68 Disposition of Revenue.

- 46.68.030 Disposition of vehicle license fees.
46.68.100 Allocation of net tax amount in motor vehicle fund.
46.68.120 Distribution of amount allocated to counties.

Chapter 46.70 Unfair Vehicle Business Practices—Dealers, Salesmen and Manufacturers.

- 46.70.005 Declaration of purpose.
46.70.011 Definitions.
46.70.021 License required for dealers, salesmen or manufacturers.
46.70.031 Application for license—Form.
46.70.041 Application for license—Contents.
46.70.051 Issuance of license.
46.70.060 Dealer's license fee—Dealer's plates.
46.70.061 Fees—Disposition.
46.70.070 Dealers—Bond required—Actions—Cancellation of license.
46.70.075 Manufacturers—Bond required—Actions—Cancellation of license.
46.70.081 Dealer to advise of business location, change—Requirements for multiple locations—Six months' continuation on death or incapacity of holder.
46.70.082 Salesman's license—Issuance—Posting—Procedure on termination of employment.
46.70.083 Expiration of license or registration—Application for renewal.
46.70.090 Dealer and manufacturer license plates—Use.

- 46.70.101 Denial, suspension or revocation of licenses—Grounds.
46.70.120 Record of transactions.
46.70.130 Details of charges must be furnished buyer or mortgagor.
46.70.140 Handling "hot" vehicles—Unreported motor "switches"—Unauthorized use of dealer plates—Penalty.
46.70.180 Unlawful acts and practices.
46.70.190 Civil actions for violations—Injunctions—Claims under Federal Automobile Dealer Franchise Act—Time limitation for filing action.
46.70.280 License renewal period under 1971 act.
46.70.900 Liberal construction—1967 act.
46.70.920 Severability—1973 1st ex.s. c 132.

Chapter 46.72 Transportation of Passengers in For Hire Vehicles.

- 46.72.040 Surety bond.
46.72.050 Liability coverage—Right of action saved.

Chapter 46.85 Reciprocal or Proportional Registration of Vehicles.

- 46.85.120 Proportional registration of fleet vehicles, application, fee—Formula and payment.

Chapter 46.01
DEPARTMENT OF MOTOR VEHICLES

Cross Reference:

Gambling commission, administrator and staff for: RCW 9.46.080.

46.01.130 POWERS OF DEPARTMENT AND DIRECTOR—PERSONNEL—APPOINTMENT OF COUNTY AUDITORS AS AGENTS. The department of motor vehicles shall have the general supervision and control of the issuing of vehicle licenses and vehicle license number plates 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; 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. [1973 c 103 § 2; 1971 ex.s. c 231 § 8; 1965 c 156 § 13; 1961 c 12 § 46.08.090. Prior: 1937 c 188 § 26; RRS § 6312-26; prior: 1921 c 96 § 3, part; 1917 c 155 § 2, part; 1915 c 142 § 3, part. Formerly RCW 46.08.090.]

Severability—1973 c 103: "If any provision of this 1973 amendatory 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." [1973 c 103 § 9.] This applies to the amendments to RCW 46.01-.130, 46.01.140, 46.68.030, 82.50.902, 46.16.104, 46.16.106 and to the repeal of RCW 46.01.300, 46.16.510-46.16.550 by 1973 c 103.

46.01.140 COUNTY AUDITORS, OTHERS, AS AGENTS OF DIRECTOR--DISPOSITION OF APPLICATION FEES. 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 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.

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, the right to operate any vehicle upon the public highways of this state, 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 motor vehicle fund. 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. [1973 c 103 § 1; 1971 ex.s. c 231 § 9; 1971 ex.s. c 91 § 3; 1965 c 156 § 14; 1963 c 85 § 1; 1961 c 12 § 46.08.100. Prior: 1955 c 89 § 3; 1937 c 188 § 27; RRS § 6312-27. Formerly RCW 46.08.100.]

46.01.300 MOBILE HOMES--OWNER IDENTIFICATION TAG--RULES AND REGULATIONS. [1971 ex.s. c 231 § 12.] Repealed by 1973 c 103 § 8.

Chapter 46.04
DEFINITIONS

46.04.552 SPECIAL MOBILE EQUIPMENT. "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: Ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and draglines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels or other vehicles designed for the transportation of persons or property to which machinery has been attached. [1973 1st ex.s. c 17 § 1; 1972 ex.s. c 5 § 1; 1963 c 154 § 30.]

Chapter 46.10
SNOWMOBILES

46.10.040 APPLICATION FOR REGISTRATION--FEE--REGISTRATION NUMBER--TERM--RENEWAL--TRANSFER--NONRESIDENT PERMIT--DECALS. Application for registration shall be made to the department in such manner and upon such forms as the department shall prescribe, and shall state the name and address of each owner of the snowmobile to be registered, and shall be signed by at least one such owner, and shall be accompanied by a registration fee of five dollars. Upon receipt of the application and the application fee, such snowmobile shall be registered and a registration number assigned, which shall be affixed to the snowmobile in a manner provided in RCW 46.10.070.

The registration provided in this section shall be valid for a period of one year. At the end of such period of registration, every owner of a snowmobile in this state shall renew his registration in such manner as the department shall prescribe, for an additional period of one year, upon payment of a renewal fee of five dollars.

Any person acquiring a snowmobile already validly registered under the provisions of this chapter must, within ten days of the acquisition or purchase of such snowmobile, make application to the department for transfer of such registration, and such application shall be accompanied by a transfer fee of one dollar.

A snowmobile owned by a resident of another state where registration is not required by law may be issued a nonresident registration permit valid for not more than sixty days. Application for such

a permit shall state name and address of each owner of the snowmobile to be registered and shall be signed by at least one such owner and shall be accompanied by a registration fee of two dollars. The registration permit shall be carried on the vehicle at all times during its operation in this state.

The registration fees provided in this section shall be in lieu of any personal property or excise tax heretofore imposed on snowmobiles by this state or any political subdivision thereof, and no city, county, or other municipality, and no state agency shall hereafter impose any other registration or license fee on any snowmobile in this state.

The department shall make available a pair of uniform decals consistent with the provisions of RCW 46.10.070 as now or hereafter amended. In addition to the registration fee provided herein the department shall charge each applicant for registration the actual cost of said decal, up to fifty cents per pair of decals. The department shall make available replacement decals for a fee of one dollar and fifty cents per pair. [1973 1st ex.s. c 128 § 1; 1972 ex.s. c 153 § 20; 1971 ex.s. c 29 § 4.]

46.10.070 AFFIXING AND DISPLAYING REGISTRATION NUMBER. The registration number assigned to each snowmobile shall be permanently affixed to and displayed upon each snowmobile in such manner as provided by rules adopted by the department, and shall be maintained in a legible condition; except dealer number plates as provided for in RCW 46.10.050 may be temporarily affixed. [1973 1st ex.s. c 128 § 2; 1972 ex.s. c 153 § 21; 1971 ex.s. c 29 § 7.]

46.10.080 DISTRIBUTION OF SNOWMOBILE REGISTRATION FEES. The moneys collected by the department as snowmobile registration fees shall be distributed in the following manner:

(1) Ten percent each year for the first two years after August 9, 1971, and five percent each year for each year thereafter shall be retained by the department to cover expenses incurred in the administration of this chapter.

(2) Twenty-five percent each year shall be distributed to the treasurers of those counties of this state having significant snowmobile use in such sums or upon such a formula as shall be determined by the director after consulting with and obtaining the advice of the Washington state association of counties, and shall be deposited in the county general fund and expended to defray the cost of administering this chapter.

(3) For the first two years after August 9, 1971, fifteen percent each year

shall be remitted to the state treasurer for deposit into the general fund and shall be credited to the commission and shall be expended for snow removal operations at other than developed recreational facilities. Thereafter twenty percent each year shall be so remitted for such purposes: PROVIDED, That the unused portion of the moneys allotted to the commission for snow removal operations at other than developed recreational facilities, as provided for in this section and in RCW 46.10.150, from the registration moneys and the gasoline fuel tax, as of March 1 of the second year of the biennium shall revert to the development and operation fund of the commission.

(4) Fifty percent each year shall be remitted to the state treasurer to be deposited in the general fund, and shall be credited in equal amounts to the commission, the department of natural resources, and the department of game and shall be expended on the development or operation of snowmobile facilities, but not on the acquisition or operation thereof. The commission, the department of natural resources and the department of game shall, not later than March 1st of each year, prepare and submit to the Washington state parks and recreation commission an annual report which shall indicate the purposes for which such amounts were expended. [1973 1st ex.s. c 128 § 3; 1972 ex.s. c 153 § 22; 1971 ex.s. c 29 § 8.]

46.10.150 TREASURER'S DUTY TO REFUND SNOWMOBILE FUEL TAX TO GENERAL FUND--CREDITING--USE. From time to time, but at least once each biennium, the director shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be a tax on snowmobile fuel, and the treasurer shall refund such amounts and place them in the general fund[;] twenty-five percent of such amounts shall be credited to the commission and shall be expended by it for snow removal operations at other than developed recreational facilities; seventy-five percent of such amounts shall be credited, in equal amounts, to the commission, department of natural resources, and the department of game, and shall be expended for the development or operation, but not acquisition, of snowmobile facilities. [1973 1st ex.s. c 128 § 4; 1971 ex.s. c 29 § 15.]

46.10.210 ADMINISTRATION. With the exception of the registration and licensing provisions, this chapter shall be administered by the Washington state parks and recreation commission. [1973 1st ex.s. c 128 § 5.]

Chapter 46.16
VEHICLE LICENSES

46.16.010 LICENSES AND PLATES REQUIRED—EXCEPTIONS. It shall be unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided: PROVIDED, That these provisions shall not apply to farm vehicle as defined in RCW 46.04.181 if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law: PROVIDED FURTHER, That these provisions shall not apply to spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing or loading of spray and fertilizer applicator rigs and not used, designed or modified primarily for the purpose of transportation: PROVIDED FURTHER, That these provisions shall not apply to equipment defined as follows:

"Special highway construction equipment" is any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (1) are in excess of the legal width or (2) which, because of their length, height or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (3) which are

driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached. [1973 1st ex.s. c 17 § 2; 1972 ex.s. c 5 § 2; 1969 c 27 § 3; 1967 c 202 § 2; 1963 ex.s. c 3 § 51; 1961 ex.s. c 21 § 32; 1961 c 12 § 46.16.010. Prior: 1955 c 265 § 1; 1947 c 33 § 1; 1937 c 188 § 15; Rem. Supp. 1947 § 6312-15; 1929 c 99 § 5; RRS § 6324.]

46.16.020 EXEMPTIONS—STATE AND PUBLICLY OWNED VEHICLES—REGISTRATION. Any vehicle owned, rented or leased by the state of Washington, or by any county, city, town, school district or other political subdivision of the state of Washington and used exclusively by them, and all vehicles owned or leased with an option to purchase by the United States government, or by the government of foreign countries, or by international bodies to which the United States government is a signatory by treaty, and used exclusively in its or their service shall be exempt from the payment of license fees for the licensing thereof as in this chapter provided: PROVIDED, HOWEVER, That such vehicles, except those owned and used exclusively by the United States government and which are identified by clearly exhibited registration numbers or license plates assigned by an instrumentality of that government, shall be registered as prescribed for the license registration of other vehicles and shall display upon the vehicles the vehicle license number plates assigned by the director and except in cases of a foreign government or international body shall pay for such number plates a fee of one dollar: PROVIDED, FURTHER, That no vehicle license or license number plates shall be issued to any such vehicle under the provisions of this section for the transportation of school children unless and until such vehicle shall have been first personally inspected by the director or his duly authorized representative. [1973 1st ex.s. c 132 § 22; 1967 c 32 § 14; 1965 ex.s. c 106 § 1; 1961 c 12 § 46.16.020. Prior: 1939 c 182 § 4; 1937 c 188 § 21; RRS § 6312-21; 1925 ex.s. c 47 § 1; 1921 c 96 § 17; 1919 c 46

§ 2; 1917 c 155 § 12; 1915 c 142 § 17; RRS § 6329.]

Severability—1973 1st ex.s. c 132: See RCW 46.16.900, 46.70.920.

46.16.045 TEMPORARY PERMITS—AUTHORIZED. (1) The department in its discretion may grant a temporary permit to operate a vehicle for which application for registration has been made, where such application is accompanied by the proper fee pending action upon said application by the department.

(2) The department may authorize vehicle dealers properly licensed pursuant to chapter 46.70 RCW to issue temporary permits to operate vehicles under such rules and regulations as the department deems appropriate.

(3) The fee for each temporary permit application distributed to an authorized vehicle dealer shall be five dollars which shall be credited to the payment of registration fees at the time application for registration is made. [1973 1st ex.s. c 132 § 23; 1961 c 12 § 46.16.045. Prior: 1959 c 66 § 1.]

Severability—1973 1st ex.s. c 132: See RCW 46.16.900, 46.70.920.

46.16.104 MOBILE HOME MOVEMENT PERMIT, VEHICLE LICENSE PLATES—REQUIRED—COPIES TO COUNTY ASSESSORS. 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 RCW 46.16.105 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.

Nothing herein should be construed as prohibiting the issuance of vehicle license plates for a mobile home but no such plates shall be issued unless the mobile home for which such plates are sought has been listed for property tax purposes in the county in which it is principally located and the appropriate fee for such license has been paid. [1973 c 103 § 6; 1971 ex.s. c 231 § 20.]

46.16.106 MOBILE HOME MOVEMENT WITHOUT PERMIT OR VEHICLE LICENSE PLATE AS MISDEMEANOR—EXCEPTION. 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 RCW 46.16.105 or vehicle license plate 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. [1973 c 103 § 7; 1971 ex.s. c 231 § 22.]

46.16.115 PAYMENT OF TONNAGE FEES SEPARATELY ON TRAILERS OR SEMITRAILERS—OPTIONAL. The owner thereof may elect to pay tonnage fees separately on a trailer or semitrailer: PROVIDED, HOWEVER, In order to exercise this option the owner must pay for the maximum permissible gross weight for the vehicle under RCW 46.44.040 and 46.44.042.

The gross weight fee for such trailers and semitrailers shall be as follows:

Gross Weight of	Fee
Up to 12,000 pounds.....	As specified in column A of RCW 46.16.070
More than 12,000 pounds but not more than 18,000 pounds.....	\$178.00
More than 18,000 pounds but not more than 32,000 pounds.....	\$401.00
More than 32,000 pounds but not more than 36,000 pounds.....	\$470.00

When vehicles licensed under this section are used with a truck tractor or motor truck the licensed gross weight of the combination shall be the sum of the licensed gross weights of the vehicles forming the combination. [1973 1st ex.s. c 150 § 4; 1969 ex.s. c 170 § 15.]

46.16.355 PERSONALIZED LICENSE PLATES—FEES, DISPOSITION. [1971 ex.s. c 114 § 4.] Repealed by 1973 1st ex.s. c 200 § 13.

Reviser's note: The repeal of this section by 1973 1st ex.s. c 200 was subject to a referendum. The referendum (Referendum Bill No. 33) was adopted and ratified by the people at the November 6, 1973 general election.

46.16.510 MOBILE HOME IDENTIFICATION TAGS—ISSUANCE—DISPLAY—USE OF TABS OR EMBLEMS—UNLAWFUL ACTS RELATING TO. [1971 ex.s. c 231 § 15.] Repealed by 1973 c 103 § 8.

46.16.520 MOBILE HOME IDENTIFICATION TAGS—APPLICATION FOR—FEE, DISPOSITION—PROVISION FOR PAYMENT OF PROPERTY TAXES DUE WITH ISSUANCE OF TAG. [1971 ex.s. c 231 § 16.] Repealed by 1973 c 103 § 8.

46.16.530 MOBILE HOME IDENTIFICATION TAGS—FORWARDING OF APPLICATIONS, FEES AND TAXES BY AGENTS. [1971 ex.s. c 231 § 17.] Repealed by 1973 c 103 § 8.

46.16.540 MOBILE HOME IDENTIFICATION TAGS—PROCEDURE UPON RECEIPT OF APPLICATION—RENEWAL, APPLICATION, FEE, PREISSUE. [1971 ex.s. c 231 § 18.] Repealed by 1973 c 103 § 8.

46.16.550 MOBILE HOME IDENTIFICATION TAGS—TAXES TRANSMITTED TO COUNTY TREASURER. [1971 ex.s. c 231 § 19.] Repealed by 1973 c 103 § 8.

46.16.555 PERSONALIZED LICENSE PLATES—USE OF FEES FOR SUPPORT AND AID OF WILDLIFE RESOURCES—PURPOSE OF ACT. See RCW 77.12.175.

46.16.560 PERSONALIZED LICENSE PLATES—DEFINED. Personalized license plates, as used in this chapter, means license plates that have displayed upon them the registration number assigned to the passenger motor vehicle for which such registration number was issued in a combination of letters or numbers, or both, requested by the owner of the vehicle. [1973 1st ex.s. c 200 § 2.]

46.16.565 PERSONALIZED LICENSE PLATES—APPLICATION. Any person who is the registered owner of a passenger motor vehicle registered with the department or who makes application for an original registration of a passenger motor vehicle or renewal registration of a passenger motor vehicle may, upon payment of the fee prescribed in RCW 46.16.585, apply to the department for personalized license plates, in the manner described in RCW 46.16.580, which plates shall be affixed to the passenger motor vehicle for which registration is sought in lieu of the regular license plates. [1973 1st ex.s. c 200 § 3.]

46.16.570 PERSONALIZED LICENSE PLATES—DESIGN. The personalized license plates shall be the same design as regular passenger motor vehicle license plates, and shall consist of numbers or letters, or any combination thereof not exceeding six positions and not less than two positions: PROVIDED, That there are no conflicts with existing passenger, commercial, trailer, motorcycle, or special

license plates series or with the provisions of RCW 46.16.230 or 46.16.235. [1973 1st ex.s. c 200 § 4.]

46.16.575 PERSONALIZED LICENSE PLATES—ISSUANCE TO REGISTERED OWNER ONLY. Personalized license plates shall be issued only to the registered owner of a vehicle on which they are to be displayed. [1973 1st ex.s. c 200 § 5.]

46.16.580 PERSONALIZED LICENSE PLATES—APPLICATION REQUIREMENTS. An applicant for issuance of personalized license plates or renewal of such plates in the subsequent year pursuant to this chapter shall file an application therefor in such form and by such date as the department may require, indicating thereon the combination of letters or numbers, or both, requested as a vehicle license plate number. There shall be no duplication or conflict with existing or projected vehicle license plate series or other numbering systems for records kept by the department, and the department may refuse to issue any combination of letters or numbers, or both, that may carry connotations offensive to good taste and decency or which would be misleading or a duplication of license plates provided for in chapter 46.16 RCW. [1973 1st ex.s. c 200 § 6.]

46.16.585 PERSONALIZED LICENSE PLATES—FEES. In addition to the regular registration fee, and any other fees and taxes required to be paid upon registration, the applicant shall be charged a fee of thirty dollars. In addition to the regular renewal fee, and in addition to any other fees and taxes required to be paid, the applicant for a renewal of such plates shall be charged an additional fee of twenty dollars. [1973 1st ex.s. c 200 § 7.]

46.16.590 PERSONALIZED LICENSE PLATES—TRANSFER FEES. Whenever any person who has been issued personalized license plates applies to the department for transfer of such plates to a subsequently acquired passenger motor vehicle, a transfer fee of five dollars shall be charged in addition to all other appropriate fees. Such transfer fees shall be deposited in the motor vehicle fund. [1973 1st ex.s. c 200 § 8.]

46.16.595 PERSONALIZED LICENSE PLATES—TRANSFER OR SURRENDER OF PLATES UPON SALE OR RELEASE OF VEHICLE OWNERSHIP. When any person who has been issued personalized license plates sells, trades, or otherwise releases ownership of the vehicle upon which the personalized license plates have been displayed, he shall

immediately report the transfer of such plates to an acquired passenger motor vehicle pursuant to RCW 46.16.590, or he shall surrender such plates to the department forthwith and release his priority to the letters or numbers, or combination thereof, displayed on the personalized license plates. [1973 1st ex.s. c 200 § 9.]

46.16.600 PERSONALIZED LICENSE PLATES—RULES AND REGULATIONS. The director of motor vehicles may establish such rules and regulations as may be necessary to carry out the purposes of RCW 46.16.560 through 46.16.595. [1973 1st ex.s. c 200 § 10.]

46.16.605 PERSONALIZED LICENSE PLATES—DISPOSITION OF FEES—COSTS. All revenue derived from the fees provided for in RCW 46.16.585 shall be forwarded to the state treasurer accompanied by a proper identifying detailed report and by him deposited to the credit of the state game fund.

Administrative costs incurred by the department of motor vehicles as a direct result of *this 1973 amendatory act shall be appropriated by the legislature from the state game fund from those funds deposited therein resulting from the sale of personalized license plates. If the actual costs incurred by the department of motor vehicles are less than that which has been appropriated by the legislature the remainder shall revert to the state game fund. [1973 1st ex.s. c 200 § 11.]

Reviser's note: "this 1973 amendatory act" consists of an amendment to RCW 77.12.170, to the repeal of RCW 46.16.355, and to the enactment of RCW 46.16.560-46.16.605 and 77.12.175, all by 1973 1st ex.s. c 200.

Cross Reference:

State game fund: RCW 77.12.170.

46.16.610 REFERRAL TO ELECTORATE. This 1973 amendatory act shall be submitted to the people for their adoption and ratification, or rejection, at the next general election to be held in this state in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof. [1973 1st ex.s. c 200 § 14.]

Reviser's note: This section applies to the amendment of RCW 77.12.170, to the repeal of RCW 46.16.355, and to the enactment of RCW 46.16.560-46.16.605 and 77.12.175, all by 1973 1st ex.s. c 200. The act was adopted and ratified by the people at the November 6, 1973 general election.

46.16.900 SEVERABILITY—1973 1ST EX.S. C 132. If any provision of this 1973 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby. [1973 1st ex.s. c 132 § 24.]

Chapter 46.20
DRIVERS' LICENSES—IDENTICARDS

46.20.100 APPLICATION OF MINOR UNDER EIGHTEEN YEARS OF AGE—COSIGNATURE REQUIRED—TRAFFIC SAFETY EDUCATION COURSE REQUIRED—EXCEPTION. The department of motor vehicles shall not consider the application of any minor under the age of eighteen years for a driver's license unless:

(1) The application is also signed by the father or mother of the applicant, otherwise by the parent or guardian having the custody of such minor, or in the event a minor under the age of eighteen has no father, mother, or guardian, then a driver's license shall not be issued to the minor unless his application is also signed by his employer; and

(2) The minor has satisfactorily completed a traffic safety education course as defined in RCW 46.81.010, conducted by a recognized secondary school, that meets the standards established by the office of the state superintendent of public instruction or the minor has satisfactorily completed a traffic safety education course, conducted by a commercial driving instruction enterprise, that meets the standards established by the office of the superintendent of public instruction and is officially approved by that office on an annual basis: PROVIDED, HOWEVER, That the director may upon a showing that an individual was unable to take or complete a driver education course waive said requirement if the minor shows to the satisfaction of the department that a need exists for him to operate a motor vehicle and he has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property, under rules to be promulgated by the department in concert with the supervisor of the traffic safety education section, office of the superintendent of public instruction. [1973 1st ex.s. c 154 § 87; 1972 ex.s. c 71 § 1; 1969 ex.s. c 218 § 10; 1967 c 167 § 1; 1965 ex.s. c 170 § 43; 1961 c 12 § 46.20.100. Prior: 1937 c 188 § 51; RRS § 6312-51; 1921 c 108 § 6, part; RRS § 6368, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

46.20.311 DURATION OF SUSPENSION OR REVOCATION—CONDITIONS FOR REISSUANCE OR RENEWAL. (1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342. Whenever the license of any person is suspended by reason of a conviction or pursuant to RCW 46.20.291, such suspension shall remain in effect and the department shall not issue to such person any new or renewal of license until such person shall pay a reinstatement fee of ten dollars and shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of six months in cases of revocation for refusal to submit to a chemical test under the provisions of RCW 46.20.308, and in all other revocation cases after the expiration of one year from the date on which the revoked license was surrendered to and received by the department, such person may make application for a new license as provided by law together with an additional fee in the amount of ten dollars, but the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until such person shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW. [1973 1st ex.s. c 36 § 1; 1969 c 1 § 2 (Initiative Measure No. 242 § 2); 1967 c 167 § 5; 1965 ex.s. c 121 § 27.]

46.20.322 DRIVER IMPROVEMENT INTERVIEW REQUIRED BEFORE SUSPENSION, REVOCATION, PROBATION, OR NONRENEWAL—EXCEPTIONS. (1) Whenever the department proposes to suspend or revoke the driving privilege of any person or proposes to impose terms of probation on his driving privilege or proposes to refuse to renew a driver's license, notice and an opportunity for a driver improvement interview shall be given before taking such action, except as provided in RCW 46.20.324 and 46.20.325.

(2) Whenever the department proposes to suspend, revoke, restrict or condition a juvenile driver's driving privilege the department may require the appearance of the juvenile's legal guardian or father or mother, otherwise the parent or guardian having custody of the minor. [1973 1st ex.s. c 154 § 88; 1967 c 167 § 6; 1965 ex.s. c 121 § 29.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

46.20.391 OCCUPATIONAL DRIVER'S LICENSE—PETITION—ELIGIBILITY—RESTRICTIONS—CANCELLATION. (1) A person is eligible to petition for an occupational driver's license if he has been convicted of an offense relating to motor vehicles, other than negligent homicide or manslaughter, for which suspension or revocation of his driver's license is mandatory: PROVIDED, That notwithstanding the provisions of RCW 46.20.270, if such person declares at the time of conviction his intent to so petition, the court may stay the effect of such mandatory suspension or revocation for a period not to exceed thirty days to allow the making of such petition.

(2) A petitioner for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present conviction he has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) He is engaged in an occupation or trade which makes it essential that he operate a motor vehicle; and

(c) He files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) A petitioner for an occupational driver's license must file a verified petition on a form provided by the director, who shall issue such form upon receipt of the prescribed fee if petitioner is eligible under the requirements of subsections (1) and (2) (a) and (2) (c) of this section. Petitioner must set forth in detail in such petition his need for operating a motor vehicle and may file such petition with any judge in a court of record, justice court, or municipal court having criminal jurisdiction in the county of the petitioner's residence.

If such petitioner is qualified under the provisions of subsection (2) (b) of this section, and if the judge to whom petition was made believes such petition should be granted, such judge may order the director to issue an occupational driver's license to such petitioner: PROVIDED, That an occupational driver's license may be issued for a period of not more than one year, and shall permit the operation of a motor vehicle not to exceed twelve hours per day and then only when such operation is essential to the licensee's occupation or trade: PROVIDED FURTHER, That such order shall be on a form provided by the director, and shall contain definite restrictions as to hours of the day, days of the week, type of occupation, and areas or routes of travel to be permitted under such license and such other conditions as the judge granting the same deems appropriate.

A copy of the order and of the petition shall be sent to the director by the court. The order shall be given to the petitioner and shall serve as his occupational license until the petitioner receives the license issued by the director: PROVIDED, That the director shall not be required to issue such license if the petitioner's mandatory suspension or revocation is for sixty days or less.

(4) If the convicting judge granted a stay of effect as provided in subsection (1) of this section, then at the time the judge to whom petition was made issues the order he shall collect the petitioner's driver's license in the same manner as is specified in RCW 46.20.270, and at such time also the conviction shall take full effect.

(5) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense which pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. Such cancellation shall be effective as of the date of such conviction, and shall continue with the same force and effect as any suspension or revocation under this title. [1973 c 5 § 1.]

Chapter 46.44
SIZE, WEIGHT, LOAD

46.44.040 MAXIMUM GROSS WEIGHTS--AXLE FACTOR. (1) Except as provided in RCW 46.44.047 and 46.44.095 it is unlawful to operate any vehicle upon the public highways with a gross weight including load upon any one axle thereof in excess of eighteen thousand pounds: PROVIDED, That a tolerance of two thousand pounds may be allowed on the rear axle of a two axle garbage truck and an additional two thousand pounds may be purchased under the provisions of RCW 46.44.095 for an amount not to exceed thirty dollars per thousand: PROVIDED FURTHER, That this tolerance shall not be valid or permitted on any part of the federal interstate highway system where the maximum single axle load shall not exceed eighteen thousand pounds.

It is unlawful to operate any one axle semitrailer upon the public highways with a gross weight including load upon such one axle in excess of eighteen thousand pounds.

It is unlawful to operate any truck or truck tractor upon the public highways of this state supported upon two axles with a gross weight including load in excess of thirty-two thousand pounds.

It is unlawful to operate any semitrailer or pole trailer upon the public highway supported upon two axles with a gross weight including load in excess of thirty-two thousand pounds unless such axles are not less than one hundred and two inches

apart, in which case, notwithstanding the provisions of RCW 46.44.045, the allowable gross weight including load shall be thirty-six thousand pounds. It is unlawful to operate any two axle trailer upon the public highways with a gross weight, including load, in excess of thirty-six thousand pounds.

Except as provided in RCW 46.44.095 it is unlawful to operate any vehicle upon the public highways supported upon three axles or more with a gross weight including load in excess of forty thousand pounds.

(2) The maximum axle and gross weight specified in subsection (1) above are subject to the braking requirements set up for the service brakes upon any motor vehicle or combination of vehicles as provided by law.

(3) It is unlawful to operate any vehicle upon the public highways equipped with two axles spaced less than seven feet apart, unless the two axles are so constructed and mounted in such a manner to provide oscillation between the two axles and that either one of the two axles will not at any one time carry more than the maximum gross weight allowed for one axle or two axles specified in subsection (1) above. [1973 1st ex.s. c 150 § 1; 1971 ex.s. c 244 § 1; 1961 c 12 § 46.44.040. Prior: 1957 c 273 § 17; 1955 c 384 § 4; 1951 c 269 § 26; prior: 1949 c 221 § 2, part; 1947 c 200 § 6, part; 1941 c 116 § 2, part; 1937 c 189 § 50, part; Rem. Supp. 1949 § 6360-50, part; 1929 c 180 § 3, part; 1927 c 309 § 8, part; 1923 c 181 § 4, part; 1921 c 96 § 20, part; PRS § 6362-8, part.]

46.44.047 EXCESS WEIGHT--LOGGING TRUCKS--SPECIAL PERMITS--COUNTY OR CITY PERMITS--FEES--DISCRETION OF ARRESTING OFFICER. In addition to the limitations of RCW 46.44.040, 46.44.042 and 46.44.044, a three-axle truck tractor and a two-axle pole trailer combination engaged in the operation of hauling logs, shall have an allowable variation in wheelbase length of six feet for the distance between the first and last axle of the vehicle in combination which has a wheelbase overall length of thirty-seven feet or more and upon special permit the gross weight of two axles spaced less than seven feet apart may exceed by not more than sixteen hundred pounds the maximum gross axle weight specified for two axles spaced less than seven feet apart, being thirty-two thousand pounds as provided in RCW 46.44.040, and the gross weight of the combination of vehicles may exceed by not more than six thousand eight hundred pounds the legal gross weight of the combination of vehicles, when licensed as permitted by law, for sixty-eight thousand pounds.

Such additional allowances shall be permitted by a special permit to be issued by the state highway commission valid only on

state primary or secondary highways authorized by the state highway commission and under such rules, regulations, terms and conditions prescribed by the state highway commission. The fee for such special permit shall be fifty dollars for a twelve-month period beginning and ending on April 1st of each calendar year. Permits may be issued at any time but if issued after July 1st of any year the fee shall be thirty-seven dollars and fifty cents. If issued on or after October 1st the fee shall be twenty-five dollars, and if issued on or after January 1st the fee shall be twelve dollars and fifty cents. A copy of such special permit covering the vehicle involved shall be carried in the cab of the vehicle at all times. Upon the third conviction within a calendar year for violation of the terms and conditions of the special permit, the special permit shall be canceled. The vehicle covered by such canceled special permit shall not be eligible for a new special permit until thirty days after the cancellation of the special permit issued to said vehicle. The fee for such renewal shall be at the same rate as set forth in this section which covers the original issuance of such special permit. Each special permit shall be assigned to a three-axle truck tractor in combination with a two-axle pole trailer and may be transferred upon application to the department of highways with payment of a two dollar fee.

All fees collected hereinabove shall be deposited with the state treasurer and credited to the motor vehicle fund.

Permits involving city streets or county roads or using city streets or county roads to reach or leave state highways, authorized for permit by the state highway department may be issued by the city or county or counties involved. A fee of five dollars for such city or county permit may be assessed by the city or by the board of county commissioners which shall be deposited in the city or county road fund. The special permit provided for herein shall be known as a "log tolerance permit" and shall designate the route or routes to be used, which shall first be approved by the city or county engineer involved. Authorization of additional route or routes may be made at the discretion of the city or county by amending the original permit or by issuing a new permit. Said permits shall be issued on a yearly basis expiring on March 31st of each calendar year. Any person, firm or corporation who uses any city street or county road for the purpose of transporting logs with weights authorized by state highway log tolerance permits, to reach or leave a state highway route, without first obtaining a city or county permit when required by the city or board of county commissioners shall be subject to the penalties prescribed by RCW 46.44-.045. For the purpose of determining gross weight the actual scale weight taken by the officer shall be prima facie

evidence of such total gross weight. In the event the gross weight is in excess of the weight permitted by law, the officer may, within his discretion, permit the operator to proceed with his vehicles in combination.

The chief of the state patrol, with the advice of the state highway commission, may make reasonable rules and regulations to aid in the enforcement of the provisions of this section. [1973 1st ex.s. c 150 § 2; 1971 ex.s. c 249 § 2; 1961 ex.s. c 21 § 35; 1961 c 12 § 46.44.047. Prior: 1955 c 384 § 19; 1953 c 254 § 10; 1951 c 269 § 31.]

46.44.080 LOCAL REGULATIONS--STATE HIGHWAY REGULATIONS. Local authorities with respect to public highways under their jurisdiction may prohibit the operation thereon of motor trucks or other vehicles or may impose limits as to the weight thereof, or any other restrictions as may be deemed necessary, whenever any such public highway by reason of rain, snow, climatic or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon be prohibited or restricted or the permissible weights thereof reduced: PROVIDED, That whenever a highway has been closed generally to vehicles or specified classes of vehicles, local authorities shall by general rule or by special permit authorize the operation thereon of school buses, emergency vehicles, and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under such weight and speed restrictions as the local authorities deem necessary to protect the highway from undue damage: PROVIDED FURTHER, That the governing authorities of incorporated cities and towns shall not prohibit the use of any city street designated by the state highway commission as forming a part of the route of any primary state highway through any such incorporated city or town by vehicles or any class of vehicles or impose any restrictions or reductions in permissible weights unless such restriction, limitation, or prohibition, or reduction in permissible weights be first approved in writing by the highway commission.

The local authorities imposing any such restrictions or limitations, or prohibiting any use or reducing the permissible weights shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution in each end of the portion of any public highway affected thereby, and no such ordinance or resolution shall be effective unless and until such signs are erected and maintained.

The highway commission shall have the same authority as hereinabove granted to local authorities to prohibit or restrict the operation of vehicles upon state

highways, which rules shall be administered by the department of highways. The department of highways shall give public notice of closure or restriction. The highway commission may further authorize the department of highways to issue special permits for the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under specified weight and speed restrictions as may be necessary to protect any state highway from undue damage. [1973 2nd ex.s. c 15 § 1; 1961 c 12 § 46.44.080. Prior: 1937 c 189 § 54; RRS § 6360-54.]

46.44.0941 SPECIAL PERMITS FOR OVERSIZE OR OVERWEIGHT MOVEMENTS--FEES. The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state highways. All funds collected shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

- All overlegal loads, except overweight, single trip.....\$ 5.00
- Continuous operation of overlegal loads having either overwidth or overheight features only for a period not to exceed thirty days.....\$ 20.00
- Continuous operations of overlegal loads having overlength only for a period not to exceed thirty days.....\$ 10.00
- Continuous operation of a vehicle having a maximum height not to exceed fourteen feet for a period of one year.....\$150.00
- Continuous operation of a combination of vehicles not to exceed seventy-three feet overall length for a period of one year.....\$ 60.00
- Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by:
 - (1) Farmers in the course of farming activities for any three-month period.....\$ 10.00
 - (2) Farmers in the course of farming activities for a period not to exceed one year.....\$ 25.00
 - (3) Persons engaged in the business of the sale, repair or maintenance of such farm implements for any three-month period.....\$ 25.00
 - (4) Persons engaged in the business of the sale, repair or maintenance of such farm implements for a period not to exceed one year.....\$100.00

Overweight Fee Schedule

Weight over total registered gross weight plus additional gross weight purchased under provisions of RCW 46.44.095, 46.44.047, 46.44.037 as now or hereafter amended, or any other statute authorizing state highway commission to issue annual overweight permits.	Fee per mile on state highways
1- 5,999 pounds.....	\$.05
6,000-11,999 pounds.....	\$.10
12,000-17,999 pounds.....	\$.15
18,000-23,999 pounds.....	\$.25
24,000-29,999 pounds.....	\$.35
30,000-35,999 pounds.....	\$.45
36,000-41,999 pounds.....	\$.60
42,000-47,999 pounds.....	\$.75
48,000-53,999 pounds.....	\$.90
54,000-59,999 pounds.....	\$ 1.05
60,000-65,999 pounds.....	\$ 1.20
66,000-71,999 pounds.....	\$ 1.45
72,000-77,999 pounds.....	\$ 1.70
80,000 pounds or more.....	\$ 2.00

PROVIDED: (1) the minimum fee for any overweight permit shall be \$5.00, (2) when computing overweight fees which result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under. [1973 1st ex.s. c 1 § 3; 1971 ex.s. c 148 § 3; 1967 c 174 § 8; 1965 c 137 § 2.]

46.44.095 SPECIAL PERMITS FOR OVERSIZE OR OVERWEIGHT MOVEMENTS--ADDITIONAL GROSS LOAD--FEES. When fully licensed to the maximum gross weight permitted under RCW 46.44.040, a two-axle truck or a three-axle truck operated as a solo unit and not in combination shall be eligible to carry gross weight in excess of that permitted for such a vehicle in RCW 46.44.040 upon the payment to the state highway commission of a fee of thirty dollars for each one thousand pounds of excess weight: PROVIDED, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042 or the wheelbase requirements specified in RCW 46.44.044.

When fully licensed to a minimum gross weight of seventy-two thousand pounds a three or more axle truck tractor and a three or more axle dromedary truck tractor, and a three or more axle truck, when operating in combination with another vehicle or vehicles (the licensed gross weight of which, if any, shall be included when computing the minimum gross weights set forth above), shall be eligible under special permits to be issued by the state highway commission to carry additional gross loads beyond the licensed capacity of the combination of vehicles upon the payment of a fee based upon thirty dollars

per year for each one thousand pounds of such additional gross weight but not to exceed one hundred and twenty dollars for the total additional weight: PROVIDED, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042: AND PROVIDED FURTHER, That the gross weight of a three or more axle truck operated in combination with a two or three-axle trailer shall not exceed seventy-six thousand pounds, and the gross weight for a three or more axle truck tractor operated in combination with a semitrailer shall not exceed seventy-three thousand two hundred eighty pounds except where the semitrailer is eligible to carry a gross load of thirty-six thousand pounds pursuant to the provisions of RCW 46.44.040, in which event the maximum gross weight of the combination shall not exceed seventy-six thousand pounds. The minimum additional tonnage to be purchased pursuant to this paragraph for a three or more axle tractor to be operated in combination

with a semitrailer shall be not less than one thousand two hundred and eighty pounds. The permits provided for in the two preceding paragraphs shall be known as class A additional tonnage permits.

In addition to the gross weight purchased pursuant to RCW 46.16.070, 46.16.115, 46.44.037, and the foregoing provisions of this section and where, in the case of combinations of vehicles, the maximum gross weight permitted by law, including the preceding provisions of this section, has been purchased, a special permit for additional gross weight may be issued by the state highway commission upon the payment of thirty-seven dollars and fifty cents per year for each one thousand pounds of such additional gross weight: PROVIDED, The tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds and the gross load on any group of axles shall not exceed the following table:

Distance in feet between the extremes of any group of 2 or more consecutive axles	Maximum load in pounds carried on any group of 2 or more consecutive axles								
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles	
4	34,000								
5	34,000								
6	34,000								
7	34,000								
8	34,000	42,000							
9	39,000	42,500							
10	40,000	43,500							
11		44,000							
12		45,000	50,000						
13		45,500	50,500						
14		46,500	51,500						
15		47,000	52,000						
16		48,000	52,500	58,000					
17		48,500	53,500	58,500					
18		49,500	54,000	59,000					
19		50,000	54,500	60,000					
20		51,000	55,500	60,500	66,000				
21		51,500	56,000	61,000	66,500				
22		52,500	56,500	61,500	67,000				
23		53,000	57,500	62,500	68,000				
24		54,000	58,000	63,000	68,500	74,000			
25		54,500	58,500	64,500	69,000	74,500			
26		55,500	59,500	65,000	69,500	75,000			
27		56,000	60,000	65,000	70,000	75,500			
28		57,000	60,500	65,500	71,000	76,500	82,000		
29		57,500	61,500	66,000	71,500	77,000	82,500		
30		58,500	62,000	66,500	72,000	77,500	83,000		
31		59,000	62,500	67,500	72,500	78,000	83,500		
32		60,000	63,500	68,000	73,000	78,500	84,500	90,000	
33			64,000	68,500	74,000	79,000	85,000	90,500	
34			64,500	69,000	74,500	80,000	85,500	91,000	

Distance in feet between the ex- tremes of any group of 2 or more consecu- tive axles	Maximum load in pounds carried on any group of 2 or more consecutive axles								
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles	
35			65,500	70,000	75,000	80,500	86,000	91,500	
36			66,000	70,500	75,500	81,000	86,500	92,000	
37			66,500	71,000	76,000	81,500	87,000	93,000	
38			67,500	72,000	77,000	82,000	87,500	93,500	
39			68,000	72,500	77,500	82,500	88,500	94,000	
40			68,500	73,000	78,000	83,500	89,000	94,500	
41			69,500	73,500	78,500	84,000	89,500	95,000	
42			70,000	74,000	79,000	84,500	90,000	95,500	
43			70,500	75,000	80,000	85,000	90,500	96,000	
44			71,500	75,500	80,500	85,500	91,000	96,500	
45			72,000	76,000	81,000	86,000	91,500	97,500	
46			72,500	76,500	81,500	87,000	92,500	98,000	
47			73,500	77,500	82,000	87,500	93,000	98,500	
48			74,000	78,000	83,000	88,000	93,500	99,000	
49			74,500	78,500	83,500	88,500	94,000	99,500	
50			75,500	79,000	84,000	89,000	94,500	100,000	
51			76,000	80,000	84,500	89,500	95,000	100,500	
52			76,500	80,500	85,000	90,500	95,500	101,000	
53			77,500	81,000	86,000	91,000	96,500	102,000	
54			78,000	81,500	86,500	91,500	97,000	102,500	
55			78,500	82,500	87,500	92,000	97,500	103,000	
56			79,500	83,000	87,500	92,500	98,000	103,500	
57			80,000	83,500	88,000	93,000	98,500	104,000	
58				84,000	89,000	94,000	99,000	104,500	
59				85,000	89,500	94,500	99,500	105,000	
60				85,500	90,000	95,000	100,500	105,500	

Permits issued pursuant to the foregoing paragraph shall be known as class B additional tonnage permits.

The special permits provided for in this section shall be issued under such rules and regulations and upon such terms and conditions as may be prescribed by the state highway commission. Such special permits shall entitle the permittee to carry such additional load in such an amount and upon such highways or sections of highways as may be determined by the state highway commission to be capable of withstanding such increased gross load without undue injury to the highway: PROVIDED, That the permits shall not be valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

The annual additional tonnage permits provided for in this section shall commence on the first of January of each year. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one twelfth of the full fee multiplied by the number of months, including any fraction thereof, covered by the permit. When the

department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit from one vehicle to another a fee of five dollars shall be charged for each such duplicate issued or each such transfer. The state highway commission shall issue such special permits on a temporary basis for periods not less than ten days at a fee of one dollar per day in the case of class A permits and not less than five days at two dollars per day in the case of class B permits.

The fees levied in RCW 46.44.094 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state or any city or town within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.85 the fees provided for in RCW 46.44.037 and 46.44.095 shall be computed by the state highway commission by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.85 to the fees that would be required

to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The state highway commission shall prorate the fees provided in RCW 46.44.037 and 46.44.095 only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of motor vehicles. Listings furnished shall also include the percentage of mileage operated in Washington, which shall be the same percentage as determined by the department of motor vehicles, for purposes of prorating license fees. [1973 1st ex.s. c 150 § 3; 1969 ex.s. c 281 § 55; 1967 ex.s. c 94 § 15; 1967 c 32 § 51; 1965 ex.s. c 170 § 38; 1961 ex.s. c 7 § 15; 1961 c 12 § 46.44.095. Prior: 1959 c 319 § 31; 1957 c 273 § 18; 1955 c 185 § 1; 1953 c 254 § 13; 1951 c 269 § 39; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

46.44.130 FARM IMPLEMENTS—GROSS WEIGHT LIMITATION EXCEPTION—PENALTY. The limitations of RCW 46.44.010, 46.44.020 and 46.44.040 shall not apply to the movement of farm implements of less than forty-five thousand pounds gross weight and a total outside width of fourteen feet or less when being moved while patrolled, flagged, lighted, signed and at a time of day in accordance with rules hereby authorized to be adopted by the highway commission and the statutes. Violation of a rule adopted by the highway commission as authorized by this section or a term of this section is a misdemeanor. [1973 1st ex.s. c 1 § 1.]

46.44.140 FARM IMPLEMENTS—SPECIAL PERMITS—PENALTY. In addition to any other special permits authorized by law, special permits may be issued by the highway commission for a quarterly or annual period upon such terms and conditions as it shall find proper for the movement of (1) farm implements used for the cutting or threshing of mature crops; or (2) other farm implements as may be identified by rule of the highway commission. Any farm implement moved under this section must have a gross weight less than forty-five thousand pounds and a total outside width of less than twenty feet while being moved and such movement must be patrolled, flagged, lighted, signed, at a time of day and otherwise in accordance with rules hereby authorized to be adopted by the highway commission for the control of such movements.

Applications for and permits issued under this section shall provide for a description of the farm implements to be moved, the approximate dates of movement and the routes of movement so far as they are reasonably known to the applicant at

the time of application, but the permit shall not be limited to these circumstances but shall be general in its application except as limited by the statutes and rules adopted by the highway commission.

A copy of the governing permit shall be carried on the farm implement being moved during the period of its movement. The highway commission shall collect a fee as provided in RCW 46.44.0941.

Violation of a term or condition under which a permit was issued, or a rule adopted by the highway commission as authorized by this section or a term of this section is a misdemeanor. [1973 1st ex.s. c 1 § 2.]

Chapter 46.52

ACCIDENTS—REPORTS—ABANDONED VEHICLES

46.52.130 ABSTRACT OF DRIVING RECORD TO BE FURNISHED INSURANCE COMPANY, EMPLOYERS—CONFIDENTIALITY—FEES—PENALTY. The director shall upon request furnish any insurance company or its agent, having or considering the issuance of a policy of insurance and any employer or prospective employer of persons who drive commercial motor vehicles or school buses a certified abstract of the driving record of any person, covering a period of not more than three years last past, whenever possible, which abstract shall include an enumeration of motor vehicle accidents in which such person has been involved. Such abstract shall indicate the total number of vehicles involved; whether the vehicles were legally parked or moving; whether such vehicles were occupied at the time of the accident; and any reported convictions or forfeitures of bail of such person upon a charge of violating any motor vehicle law. Such enumeration shall include any reports of failure to appear in response to a traffic citation served upon such person by an arresting officer. In addition thereto the director shall furnish such record to the person whose driving record is involved, upon such person's request: PROVIDED, That the abstract herein provided to the insurance company shall have excluded therefrom any information pertaining to any occupational driver's license when the same is issued to any person employed by another or self-employed as a motor vehicle driver who during the five years preceding the request has been issued such a license by reason of a conviction of a motor vehicle offense outside the scope of his principal employment, and who has during such period been principally employed as a motor vehicle driver deriving the major portion of his income therefrom.

The director shall collect for each such abstract the sum of one dollar fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving such certified abstract shall use

it exclusively for its own underwriting purposes and shall not divulge any of the information therein contained to a third party: PROVIDED, That no policy of insurance shall be canceled on the basis of such information unless the policyholder was determined to be at fault: PROVIDED FURTHER, That no insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles shall use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment.

Any employer or prospective employer receiving such certified abstract shall use it exclusively for his own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information therein contained to a third party.

Any violation of this section shall be a gross misdemeanor. [1973 1st ex.s. c 37 § 1; 1969 ex.s. c 40 § 3; 1967 c 174 § 2; 1967 c 32 § 63; 1963 c 169 § 65; 1961 ex.s. c 21 § 27.]

Chapter 46.61 RULES OF THE ROAD

46.61.427 SLOW MOVING VEHICLE TO PULL OFF ROADWAY. On a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions, a slow moving vehicle, behind which five or more vehicles are formed in a line, shall turn off the roadway wherever sufficient area for a safe turn-out exists, in order to permit the vehicles following to proceed. As used in this section a slow moving vehicle is one which is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place. [1973 c 88 § 1.]

46.61.520 NEGLIGENT HOMICIDE BY MOTOR VEHICLE--PENALTY. (1) When the death of any person shall ensue within three years as a proximate result of injury received by the driving of any vehicle by any person while under the influence of or affected by intoxicating liquor or narcotic drugs as defined in chapter 69.50 RCW, Uniform Controlled Substances Act, or by the operation of any vehicle in a reckless manner or with disregard for the safety of others, the person so operating such vehicle shall be guilty of negligent homicide by means of a motor vehicle.

(2) Any person convicted of negligent homicide by means of a motor vehicle shall be punished by imprisonment in the state penitentiary for not more than ten years, or by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars, or by both fine and imprisonment. [1973 2nd ex.s. c

38 § 2; 1970 ex.s. c 49 § 5; 1965 ex.s. c 155 § 63; 1961 c 12 § 46.56.040. Prior: 1937 c 189 § 120; RRS § 6360-120. Formerly RCW 46.56.040.]

Chapter 46.64 ENFORCEMENT

46.64.040 NONRESIDENT'S USE OF HIGHWAYS AS ASSENT TO BEING SUED AND SERVED IN STATE--RESIDENT LEAVING STATE--SECRETARY OF STATE AS ATTORNEY IN FACT. The acceptance by a nonresident of the rights and privileges conferred by law in the use of the public highways of this state, as evidenced by his operation of a vehicle thereon, or the operation thereon of his vehicle with his consent, express or implied, shall be deemed equivalent to and construed to be an appointment by such nonresident of the secretary of state of the state of Washington to be his true and lawful attorney upon whom may be served all lawful summons and processes against him growing out of any accident, collision, or liability in which such nonresident may be involved while operating a vehicle upon the public highways, or while his vehicle is being operated thereon with his consent, express or implied, and such operation and acceptance shall be a signification of his agreement that any summons or process against him which is so served shall be of the same legal force and validity as if served on him personally within the state of Washington. Likewise each resident of this state who, while operating a motor vehicle on the public highways of this state, is involved in any accident, collision or liability and thereafter within three years departs from this state appoints the secretary of state of the state of Washington as his lawful attorney for service of summons as provided in this section for nonresidents. Service of such summons or process shall be made by leaving two copies thereof with a fee of five dollars with the secretary of state of the state of Washington, or at his office, and such service shall be sufficient and valid personal service upon said resident or nonresident: PROVIDED, That notice of such service and a copy of the summons or process is forthwith sent by registered mail with return receipt requested, by plaintiff to the defendant at the last known address of the said defendant, and the plaintiff's affidavit of compliance herewith are appended to the process, together with the affidavit of the plaintiff's attorney that he has with due diligence attempted to serve personal process upon the defendant at all addresses known to him of defendant and further listing in his affidavit the addresses at which he attempted to have process served. However, if process is forwarded by registered mail and defendant's endorsed receipt is received and entered as a part of the return of process then the foregoing

affidavit of plaintiff's attorney need only show that the defendant received personal delivery by mail: PROVIDED FURTHER, That personal service outside of this state in accordance with the provisions of law relating to personal service of summons outside of this state shall relieve the plaintiff from mailing a copy of the summons or process by registered mail as hereinbefore provided. The secretary of state shall forthwith send one of such copies by mail, postage prepaid, addressed to the defendant at his address, if known to the secretary of state. The court in which the action is brought may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action. The fee of five dollars paid by the plaintiff to the secretary of state shall be taxed as part of his costs if he prevails in the action. The secretary of state shall keep a record of all such summons and processes, which shall show the day of service. [1973 c 91 § 1; 1971 ex.s. c 69 § 1; 1961 c 12 § 46.64.040. Prior: 1959 c 121 § 1; 1957 c 75 § 1; 1937 c 189 § 129; RRS § 6360-129.]

46.64.070 STOPPING MOTOR VEHICLES FOR DRIVER'S LICENSE CHECK, VEHICLE INSPECTION AND TEST--AUTHORIZED--POWERS ADDITIONAL. To carry out the purpose of RCW 46.64.060 and 46.64.070, officers of the Washington state patrol are hereby empowered during daylight hours and while using plainly marked state patrol vehicles to require the driver of any motor vehicle being operated on any highway of this state to stop and display his or her driver's license and/or to submit the motor vehicle being driven by such person to an inspection and test to ascertain whether such vehicle complies with the minimum equipment requirements prescribed by chapter 46.37 RCW, as now or hereafter amended. No criminal citation shall be issued for a period of ten days after giving a warning ticket pointing out the defect.

The powers conferred by RCW 46.64.060 and 46.64.070 are in addition to all other powers conferred by law upon such officers, including but not limited to powers conferred upon them as police officers pursuant to RCW 46.20.430 and powers conferred by chapter 46.32 RCW. [1973 2nd ex.s. c 22 § 1; 1967 c 144 § 2.]

Chapter 46.65
WASHINGTON HABITUAL TRAFFIC OFFENDERS ACT

46.65.060 COURT ORDER--FILING WITH DEPARTMENT--REVOCATION OF OPERATOR'S LICENSE--STAY BY COURT ORDER. If the court finds that such person is not the same person named in the aforesaid transcript or abstract or that he is not an habitual offender under this chapter, the proceeding shall be dismissed but if the court

finds that such person is the same person named in the aforesaid transcript or abstract and that such person is an habitual offender, the court shall so find and by appropriate order direct such person not to operate a motor vehicle on the highways of the state of Washington and to surrender to the court all licenses or permits to operate a motor vehicle on the highways of this state for disposal. The clerk of the court shall file with the department of motor vehicles a copy of such order which shall become a part of the permanent records of the department. Upon receipt of the court order finding such person to be an habitual offender the department of motor vehicles shall revoke the operator's license for a period of five years: PROVIDED, That a judge may stay the effective date of the order declaring the person to be a habitual traffic offender if he finds that the traffic offenses upon which it is based were caused by or are the result of the alcoholism of the person, as defined in RCW 70.96A.020, as now or hereafter amended and that since his last offense he has undertaken and followed a course of treatment for alcoholism on a program approved by the department of social and health services; notice of such stay shall be entered on the copy of the order filed with the department of motor vehicles. Said stay shall continue as long as there is no further conviction for any of the offenses listed in RCW 46.65.020 (1). Upon a subsequent conviction for any offense listed in RCW 46.65.020 (1), the stay shall be removed and the department of motor vehicles shall revoke the operator's license for a period of five years. [1973 1st ex.s. c 83 § 1; 1971 ex.s. c 284 § 8.]

Chapter 46.68
DISPOSITION OF REVENUE

46.68.030 DISPOSITION OF VEHICLE LICENSE FEES. All fees received by the director for vehicle licenses under the provisions of chapter 46.16 RCW 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. [1973 c 103 § 3; 1971 ex.s. c 231 § 11; 1971 ex.s. c 91 § 1; 1969 ex.s. c 281 § 25; 1969 c 99 § 8; 1965 c 25 § 2; 1961 ex.s. c 7 § 17; 1961 c 12 § 46.68.030. Prior: 1957 c 105 § 2; 1955 c 259 § 4; 1947 c 164 § 15; 1937 c 188 § 40; Rem. Supp. 1947 § 6312-40.]

Refund of mobile home identification tag fees. "The department of motor vehicles shall refund all moneys collected in 1973 for mobile home identification tags. Such refunds shall be made to those persons who have purchased such tags. The department shall adopt rules pursuant to chapter

34.04 RCW to comply with the provisions of this section. [1973 c 103 § 4.]

46.68.100 ALLOCATION OF NET TAX AMOUNT IN MOTOR VEHICLE FUND. From the net tax amount in the motor vehicle fund there shall be paid sums as follows:

(1) There shall be paid to the cities and towns of the state sums equal to ten and forty-four hundredths percent of the net tax amount to be paid monthly as the same accrues;

(2) To the counties of the state there shall be paid sums equal to thirty-two and sixty-one hundredths percent of the net tax amount to be paid monthly as the same accrues;

(3) To the state there shall be paid to be expended as provided by RCW 46.68.130, sums equal to fifty-five and five-tenths percent of the net tax amount to be paid monthly as the same accrues.

(4) There shall be paid to the Puget Sound ferry operations account sums equal to one and forty-five hundredths percent of the net tax amount to be paid monthly as the same accrues.

Nothing in this section or in RCW 46.68-.090 or 46.68.130 shall be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuels. [1973 1st ex.s. c 124 § 1; 1972 ex.s. c 24 § 2; 1970 ex.s. c 85 § 4; 1967 ex.s. c 145 § 79; 1967 ex.s. c 83 § 8; 1961 ex.s. c 7 § 6; 1961 c 12 § 46.68.100. Prior: 1959 ex.s. c 4 § 1; 1957 c 271 § 3; 1957 c 175 § 10; 1943 c 83 § 1; 1939 c 181 § 3; Rem. Supp. 1943 § 6600-1e; 1937 c 208 §§ 2, part, 3, part.]

46.68.120 DISTRIBUTION OF AMOUNT ALLOCATED TO COUNTIES. Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) Three-fourths of one percent of such sums shall be deducted monthly as such sums accrue and set aside for the use of the state highway commission and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) The balance remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, upon the basis of the following formula:

(a) Ten percent of such sum shall be divided equally among the several counties.

(b) Thirty percent shall be paid to each county in direct proportion that the sum of the total number of private automobiles and trucks licensed by registered owners residing in unincorporated areas and seven percent of the number of private automobiles and trucks licensed by registered owners residing in incorporated areas within each county bears to the total of such sums for all counties. The number of registered vehicles so used shall be as certified by the director of the department of motor vehicles for the year next preceding the date of calculation of the allocation amounts. The director of the department shall first supply such information not later than the fifteenth day of February, 1956, and on the fifteenth of February each two years thereafter.

(c) Thirty percent shall be paid to each county in direct proportion that the product of the county's trunk highway mileage and its prorated estimated annual cost per trunk mile as provided in subsection (e) is to the sum of such products for all counties. County trunk highways are defined as county roads regularly used by school buses and/or rural free delivery mail carriers of the United States post office department, but not foot carriers. Determination of the number of miles of county roads used in each county by school buses shall be based solely upon information supplied by the superintendent of public instruction who shall on October 1, 1955 and on October 1st of each odd-numbered year thereafter furnish the state highway commission with a map of each county upon which is indicated the county roads used by school buses at the close of the preceding school year, together with a detailed statement showing the total number of miles of county highway over which school buses operated in each county during such year. Determination of the number of miles of county roads used in each county by rural mail carriers on routes serviced by vehicles during the year shall be based solely upon information supplied by the United States postal department as of January 1st of the even-numbered years.

(d) Thirty percent of such sum shall be paid to each of the several counties in the direct proportion that the product of the trunk highway mileage of the county and its "money need factor" as defined in subsection (f) is to the total of such products for all counties.

(e) Every four years, beginning with the 1958 allocation, the highway commission and the legislative transportation committee shall reexamine or cause to be reexamined all the factors on which the estimated annual costs per trunk mile for the several counties have been based and shall make such adjustments as may be necessary. The following formula shall be used: One twenty-fifth of the estimated total county road replacement cost, plus the total annual maintenance cost, divided

by the total miles of county road in such county, and multiplied by the result obtained from dividing the total miles of county road in said county by the total trunk road mileage in said county. For the purpose of allocating funds from the motor vehicle fund, a county road shall be defined as one established as such by resolution or order of establishment of the board of county commissioners. The first allocation of funds shall be based on the following prorated estimated annual costs per trunk mile for the several counties as follows:

Adams.....	\$1,227.00
Asotin.....	1,629.00
Benton.....	1,644.00
Chelan.....	2,224.00
Clallam.....	2,059.00
Clark.....	1,710.00
Columbia.....	1,391.00
Cowlitz.....	1,696.00
Douglas.....	1,603.00
Ferry.....	1,333.00
Franklin.....	1,612.00
Garfield.....	1,223.00
Grant.....	1,714.00
Grays Harbor.....	2,430.00
Island.....	1,153.00
Jefferson.....	2,453.00
King.....	2,843.00
Kitsap.....	1,938.00
Kittitas.....	1,565.00
Klickitat.....	1,376.00
Lewis.....	1,758.00
Lincoln.....	1,038.00
Mason.....	1,748.00
Okanogan.....	1,260.00
Pacific.....	2,607.00
Pend Oreille.....	1,753.00
Pierce.....	2,276.00
San Juan.....	1,295.00
Skagit.....	1,966.00
Skamania.....	2,023.00
Snohomish.....	2,269.00
Spokane.....	1,482.00
Stevens.....	1,068.00
Thurston.....	1,870.00
Wahkiakum.....	2,123.00
Walla Walla.....	1,729.00
Whatcom.....	1,738.00
Whitman.....	1,454.00
Yakima.....	1,584.00

PROVIDED, HOWEVER, That the prorated estimated annual costs per trunk mile in this subsection shall be adjusted every four years, beginning with the 1958 allocation by the highway commission on the basis of changes in the trunk and total county road mileage based on information supplied by the superintendent of public instruction, the United States postal department and the annual reports of the county road departments.

(f) The "money need factor" for each of the several counties shall be the difference between the prorated estimated annual costs as listed above and the sum of the following three amounts divided by the county trunk highway mileage:

(1) The equivalent of a two dollar and twenty-five cents per thousand dollars of assessed value tax levy on the valuation, as equalized by the state department of revenue for state purposes, of all taxable property in the county road districts;

(2) One-fourth the sum of all funds received by the county from the federal forest reserve fund during the two calendar years next preceding the date of the adjustment of the allocation amounts as certified by the state treasurer; and

(3) One-half the sum of motor vehicle license fees and motor vehicle fuel tax refunded to the county during the two calendar years next preceding the date of the adjustment of the allocation amounts as provided in RCW 46.68.080. These shall be as supplied to the highway commission by the state treasurer for that purpose. The department of revenue and the state treasurer shall supply the information herein requested on or before January 1, 1956 and on said date each two years thereafter.

The following formula shall be used for the purpose of obtaining the "money need factor" of the several counties: The prorated estimated annual cost per trunk mile multiplied by the trunk miles will equal the total need of the individual county. The total need minus the sum of the three resources set forth in subsection (f) shall equal the net need. The net need of the individual county divided by the total net needs for all counties shall equal the "money need factor" for that county.

(g) The state highway commission shall adjust the allocations of the several counties on March 1st of every even-numbered year based solely upon the sources of information hereinbefore required: PROVIDED, That the total allocation factor composed of the sum of the four factors defined in subsections (a), (b), (c) and (d) shall be held to a level not more than five percent above or five percent below the total allocation factor in use during the previous two year period.

(h) The highway commission and the legislative transportation committee shall relog or cause to be relogged the total road mileages upon which the prorated estimated annual costs per trunk mile are based and shall recalculate such costs on the basis of such relogging and shall report their findings and recommendations to the legislature at its next regular session.

(i) The highway commission and the legislative transportation committee shall study and report their findings and recommendations to the legislature concerning the following problems as they affect the allocation of "motor vehicle fund" funds to counties:

(1) Comparative costs per trunk mile based on federal aid contracts versus those herein advocated.

(2) Average costs per trunk mile.

(3) The advisability of using either "trunk mileage" or "county road" mileage exclusively as the criterion instead of both as in this plan adopted.

(4) Reassessment of bridge costs based on current information and relogging of bridges.

(5) The items in the list of resources used in determining the "need factor".

(6) The development of a uniform accounting system for counties with regard to road and bridge construction and maintenance costs.

(7) A redefinition of rural and urban vehicles which better reflects the use of said vehicles on county roads. [1973 1st ex.s. c 195 § 47; 1972 ex.s. c 103 § 1; 1967 c 32 § 75; 1965 ex.s. c 120 § 12; 1961 c 12 § 46.68.120. Prior: 1957 c 109 § 1; 1955 c 243 § 1; 1949 c 143 § 2; 1945 c 260 § 1; 1943 c 83 § 3; 1939 c 181 § 5; Rem. Supp. 1949 § 6600-2a.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195. See notes following RCW 84.52.043.

Chapter 46.70

UNFAIR VEHICLE BUSINESS PRACTICES— DEALERS, SALESMEN AND MANUFACTURERS

46.70.005 DECLARATION OF PURPOSE. The legislature finds and declares that the distribution and sale of vehicles in the state of Washington vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate and license vehicle manufacturers, distributors or wholesalers and factory or distributor representatives, and to regulate and license dealers, and salesmen of vehicles doing business in Washington, in order to prevent frauds, impositions and other abuses upon its citizens and to protect and preserve the investments and properties of the citizens of this state. [1973 1st ex.s. c 132 § 1; 1967 ex.s. c 74 § 1.]

46.70.011 DEFINITIONS. As used in this chapter:

(1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons 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 rails or tracks.

(2) "Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46, Motor Vehicles.

(3) "Vehicle dealer" means any person, firm, association, corporation or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new, or used vehicles: PROVIDED, That vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" shall be a vehicle dealer that deals in new and used motor vehicles;

(b) A "mobile home and travel trailer dealer" shall be a vehicle dealer that deals in mobile homes or travel trailers, or both;

(c) A "miscellaneous vehicle dealer" shall be a vehicle dealer that deals in motorcycles and/or vehicles other than motor vehicles or mobile homes and travel trailers.

(4) The term "vehicle dealer" does not include:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which he is the registered or legal owner, or both, thereof.

(e) Any person, firm, association, corporation or trust, engaged in the selling of equipment other than vehicles, used for agricultural or industrial purposes.

(5) "Vehicle salesman" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(6) The term "department" means the department of motor vehicles which shall administer and enforce the provisions of this chapter.

(7) "Director" means the director of the department of motor vehicles.

(8) "Manufacturer" means any person, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new and unused vehicles and shall further include the terms:

(a) "Distributor" which means any person, firm, association, corporation or trust, resident or nonresident, who in whole or in part offers for sale, sells or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) "Factory branch" which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and shall

further include any sales promotion organization, whether the same be a person, firm or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) "Factory representative" which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of his, its, or their vehicles or for supervising or contracting with his, its, or their dealers or prospective dealers.

(9) "Established place of business" means a permanent, enclosed commercial building located within the state of Washington easily accessible and open to the public, at all reasonable times, with an improved display area of not less than three thousand square feet in or immediately adjoining said building, and at which the business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building code, zoning and other land-use regulatory ordinances and in which such building the public may contact the vehicle dealer or his vehicle salesman, at all reasonable times and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business at such place. The established place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic.

(10) "Subagency" means any place of business of a vehicle dealer within the same county as the principal place of business of the firm which is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the same county as the principal place of business of the firm under which he does business under a name other than the principal name of the firm, or both. [1973 1st ex.s. c 132 § 2; 1969 ex.s. c 63 § 1; 1967 ex.s. c 74 § 3.]

46.70.021 LICENSE REQUIRED FOR DEALERS, SALESMEN OR MANUFACTURERS. It shall be unlawful for any vehicle dealer, vehicle salesman or vehicle manufacturer to engage in business as such, act as such, serve in the capacity of such, advertise himself, itself, or themselves as such or distribute or transfer vehicles for resale in this state, without first obtaining and holding a current license as provided in this chapter: PROVIDED, That a vehicle dealer shall not be required to have a vehicle salesman's license: PROVIDED, FURTHER, That a distributor, factory branch, or factory representative shall not be required to have a vehicle manufacturer license so long as the vehicle manufacturer so represented is properly

licensed pursuant to this chapter. [1973 1st ex.s. c 132 § 3; 1967 ex.s. c 74 § 4.]

46.70.031 APPLICATION FOR LICENSE—FORM. A vehicle dealer, salesman, or manufacturer may apply for a license by filing with the department an application in such form as the department may prescribe. [1973 1st ex.s. c 132 § 2; 1967 ex.s. c 74 § 5.]

46.70.041 APPLICATION FOR LICENSE—CONTENTS. (1) Every application for a vehicle dealer or a vehicle salesman's license shall contain the following information to the extent the same is applicable to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his fingerprints, the honesty, truthfulness, and good reputation of the applicant for license, or of the officers of a corporation making the application;

(b) The applicant's form and place of organization;

(c) The qualification and business history of the applicant, and in the case of a vehicle dealer, any partner, officer or director;

(d) Whether the applicant has been convicted of any crime within the preceding five years involving fraud, misrepresentation, or conversion, or has suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation or conversion and in the case of a corporation or partnership, all directors, officers or partners;

(e) Any other information the department may reasonably require.

(2) If the applicant is a vehicle dealer:

(a) Name or names of new vehicles the vehicle dealer wishes to sell;

(b) The names and addresses of each manufacturer from whom the applicant has received a franchise;

(c) Whether the applicant intends to sell used vehicles, and if so, whether he has space available for servicing and repairs;

(d) A certificate by the chief of police or his deputy, or a member of the Washington state patrol or a representative of the department of motor vehicles that the applicant has an established place of business at each business location in the state of Washington: PROVIDED, That in no event shall such certificate be issued by a member of the Washington state patrol if the dealership is located in a city which has a population in excess of five thousand persons;

(e) A copy of a current service agreement with a manufacturer, or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty to perform or arrange for, within a reasonable

distance of his established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty: PROVIDED, That this requirement shall only apply to applicants seeking to sell, to exchange, to offer, to broker, to auction, to solicit or to advertise new or current-model vehicles with factory or distributor warranties;

(f) The class of vehicles the vehicle dealer will be buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising and which classification or classifications the dealer wishes to be designated as;

(g) The applicant's financial condition or history including whether the applicant or any partner, officer or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court.

(3) If the applicant is a vehicle salesman, such application shall contain, in addition, a certification by the vehicle dealer for whom he is going to work that he has examined the background of the applicant and to the best of his knowledge is of good moral character;

(4) If the applicant is a manufacturer such application shall contain the following information to the extent it is applicable to the applicant:

(a) The name and address of the principal place of business of the applicant and, if different, the name and address of the Washington state representative of the applicant;

(b) The name or names under which the applicant will do business in the state of Washington;

(c) Evidence that the applicant is authorized to do business in the state of Washington;

(d) The name or names of the vehicles that the licensee manufactures;

(e) The name or names and address or addresses of each and every distributor, factory branch, and factory representative;

(f) The name or names and address or addresses of resident employees or agents to provide service or repairs to vehicles located in the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured, unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(g) Any other information the department may reasonably require. [1973 1st ex.s. c 132 § 5; 1971 ex.s. c 74 § 1; 1969 ex.s. c 63 § 2; 1967 ex.s. c 74 § 6.]

46.70.051 ISSUANCE OF LICENSE. After the application has been filed, the fee paid, and bond posted, if required the department shall, if no denial order is in effect and no proceeding is pending under

RCW 46.70.180 or 46.70.200, issue the appropriate license, which license, in the case of a vehicle dealer, shall designate the classification of the dealer: PROVIDED, That nothing shall prohibit a vehicle dealer from obtaining licenses for more than one classification, and: PROVIDED FURTHER, That nothing shall prevent any vehicle dealer from dealing in other classes of vehicles on an isolated basis. [1973 1st ex.s. c 132 § 6; 1971 ex.s. c 74 § 2; 1967 ex.s. c 74 § 7.]

46.70.060 DEALER'S LICENSE FEE—DEALER'S PLATES. [1972 ex.s. c 99 § 5; 1971 ex.s. c 74 § 3; 1967 ex.s. c 74 § 26; 1967 c 32 § 77; 1961 c 12 § 46.70.060. Prior: 1959 c 166 § 18; 1951 c 150 § 7.] Repealed by 1973 1st ex.s. c 132 § 25.

46.70.061 FEE—DISPOSITION. (1) The fees for original licenses issued for a calendar year or any portion thereof pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Fifty dollars;

(b) Vehicle dealers, each and every subagency: Ten dollars;

(c) Vehicle salesman: Ten dollars;

(d) Vehicle manufacturers: Fifty dollars.

(2) The fee for renewal of any license issued pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Twenty-five dollars;

(b) Vehicle dealer, each and every subagency: Ten dollars;

(c) Vehicle salesman: Ten dollars;

(d) Vehicle manufacturers: Twenty-five dollars.

PROVIDED, That if any licensee shall fail or neglect to apply for such renewal prior to February 1st in each year, his license shall be declared canceled by the director, in which case the licensee will be required to apply for an original license and pay the fee required for such original license.

(3) The fee for the transfer to another location of any license issued pursuant to this chapter shall be:

(a) Vehicle dealer, principal place of business of each and every license classification, provided that such change is within the same county: Ten dollars;

(b) There shall be no transfer of any vehicle dealer subagency license;

(c) Vehicle salesman, provided that no such fee shall be required in a transfer from one location of any one dealer to any other location: Five dollars.

(4) The fee for vehicle dealer license plates and manufacturer license plates shall be the amount required by law for vehicle license plates exclusive of excise tax, except those specified in RCW 82.44-.030, and gross weight and tonnage fees: PROVIDED, That the fee for an original

vehicle dealer's license or any renewal thereof shall include one set, or one plate, dependent upon the license classification of the dealer, of vehicle dealer license plates for each classification of the dealer.

PROVIDED, FURTHER, That the maximum number of sets of vehicle dealer plates the department may issue to a dealer shall not exceed the greater of ten sets or a figure which represents four percent of the dealer's total vehicle sales for the previous year, except that the department may issue what it determines to be a reasonable number of sets in those cases where the dealer has not been previously licensed or where he can satisfy the department that the previous year's sales were unnaturally low for reasons beyond his control: PROVIDED, FURTHER, That the department may, in its discretion, issue a reasonable number of additional plates in those cases where a dealer sells motor homes, mobile homes or travel trailers: AND PROVIDED FURTHER, That no dealer who sold less than twenty passenger cars and/or pickup trucks during the previous year shall be entitled to receive any additional sets, unless he can satisfy the department that additional sets are necessary for the purposes indicated in RCW 46.70.090, excepting subsections (2) (b) and (4) (b).

(5) All fees collected under this chapter shall be turned into the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed herein shall be in addition to any excise taxes imposed by chapter 82.44 RCW. [1973 1st ex.s. c 132 § 7; 1967 ex.s. c 74 § 13.]

46.70.070 DEALERS--BOND REQUIRED--ACTIONS--CANCELLATION OF LICENSE. (1) Before issuing a vehicle dealer's license, the department shall require the applicant to file with said department a surety bond in the amount of:

(a) Ten thousand dollars for motor vehicle dealers;

(b) Twenty thousand dollars for mobile home and travel trailer dealers: PROVIDED, That if such dealer does not deal in mobile homes such bond shall be ten thousand dollars;

(c) Five thousand dollars for miscellaneous dealers, running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter. Any retail purchaser who shall have suffered any loss or damage by reason of breach of warranty or by any act by a dealer which constitutes a violation of this chapter shall have the right to institute an action for recovery against such dealer and the surety upon such bond. Successive recoveries against

said bond shall be permitted but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the vehicle dealer license shall automatically be deemed canceled.

(2) The bond for any vehicle dealer licensed or to be licensed under more than one classification shall be the highest bond required for any such classification. [1973 1st ex.s. c 132 § 8; 1971 ex.s. c 74 § 4; 1967 ex.s. c 74 § 27; 1961 c 239 § 1; 1961 c 12 § 46.70.070. Prior: 1959 c 166 § 19; 1951 c 150 § 8.]

46.70.075 MANUFACTURERS--BOND REQUIRED--ACTIONS--CANCELLATION OF LICENSE. Before issuing a manufacturer license to a manufacturer of mobile homes or travel trailers, the department shall require the applicant to file with said department a surety bond in the amount of twenty thousand dollars in the case of a mobile home manufacturer and ten thousand dollars in the case of a travel trailer manufacturer running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the manufacturer shall conduct his business in conformity with the provisions of this chapter and with all standards set by the state of Washington or the federal government pertaining to the construction or safety of such vehicles. Any retail purchaser or vehicle dealer who shall have suffered any loss or damage by reason of breach of warranty or by any act by a manufacturer which constitutes a violation of this chapter or a violation of any standards set by the state of Washington or the federal government pertaining to construction or safety of such vehicles shall have the right to institute an action for recovery against such manufacturer and the surety upon such bond. Successive recoveries against said bond shall be permitted but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the manufacturer license shall automatically be deemed canceled. [1973 1st ex.s. c 132 § 9.]

46.70.081 DEALER TO ADVISE OF BUSINESS LOCATION, CHANGE--REQUIREMENTS FOR MULTIPLE LOCATIONS--SIX MONTHS' CONTINUATION ON DEATH OR INCAPACITY OF HOLDER. Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. In the event that any name or location is changed, the dealer shall notify the department of such

change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

If a dealer does business in more than one county, separate licenses shall be required for each county.

If a dealer maintains a place of business at more than one location or under more than one name in any one county, he shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license shall be required for each and every subagency.

A vehicle dealer's license shall upon the death, or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of said death or incapacity. [1973 1st ex.s. c 132 § 10; 1967 ex.s. c 74 § 8.]

46.70.082 SALESMAN'S LICENSE--ISSUANCE--POSTING--PROCEDURE ON TERMINATION OF EMPLOYMENT. The license issued to the vehicle salesman shall be sent to the salesman by the department and shall be posted in a conspicuous place on the premises of the dealer by whom the salesman is employed during the period of the salesman's employment.

When a salesman begins or terminates a connection with a vehicle dealer, the salesman and dealer shall promptly notify the department, in writing, in the form prescribed by the department. In addition to other information required by the department, the vehicle dealer with whom the salesman is beginning a connection shall certify that he has examined the background of the salesman and, to the best of his knowledge, the salesman is of good moral character. [1973 1st ex.s. c 132 § 11; 1971 ex.s. c 74 § 5; 1967 ex.s. c 74 § 9.]

46.70.083 EXPIRATION OF LICENSE OR REGISTRATION--APPLICATION FOR RENEWAL. The license of a vehicle dealer or a vehicle manufacturer shall be effective until December 31 and may be renewed by filing with the department prior to the expiration thereof an application containing such information as the department may require to indicate any material change in the information contained in the original application.

Registration of a vehicle salesman shall be effective until June 30 and may be renewed by filing with the department prior to the expiration thereof an application containing such information as the department may require to indicate any material change in the information contained in the original application. [1973

1st ex.s. c 132 § 12; 1971 ex.s. c 74 § 6; 1967 ex.s. c 74 § 10.]

46.70.090 DEALER AND MANUFACTURER LICENSE PLATES--USE. (1) The department shall issue vehicle dealer license plates, which are capable of distinguishing the classification of the dealer, to vehicle dealers properly licensed pursuant to this chapter and shall, upon application, issue manufacturer's license plates to manufacturers properly licensed pursuant to this chapter.

(2) Motor vehicle dealer license plates may be used:

(a) To demonstrate motor vehicles held for sale when operated by an individual holding a valid operator's license, provided that a dated demonstration permit, valid for no more than seventy-two hours, is carried in the vehicle at all times it is operated by any such individual.

(b) On motor vehicles owned, held for sale and which are in fact available for sale by the firm when operated by an officer of the corporation, partnership, or proprietorship or by a bona fide full time employee of the firm, provided that a card so identifying any such individual is carried in the vehicle at all times it is operated by him. Any such vehicle so operated may be used to transport the dealer's own tools, parts and equipment to a total weight not to exceed five hundred pounds.

(c) On motor vehicles being tested for repair.

(d) On motor vehicles being moved to or from a motor vehicle dealer's place of business for sale.

(e) On motor vehicles being moved to or from motor vehicle service and repair facilities before sale.

(f) On motor vehicles being moved to or from motor vehicle exhibitions within the state of Washington, provided that any such exhibition does not exceed a period of twenty days.

(3) Mobile home and travel trailer dealer license plates may be used:

(a) On units hauled to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(b) On mobile homes hauled to a customer's location for set-up after sale.

(c) On travel trailers held for sale to demonstrate the towing capability of the vehicle provided that a dated demonstration permit, valid for not more than seventy-two hours, is carried with the vehicle at all times.

(d) On mobile homes being hauled from a customer's location provided that the requirements of RCW 46.16.105 and 46.16.106 are met.

(e) On any motor vehicle owned by the dealer which is used only to move vehicles legally bearing mobile home and travel trailer dealer license plates of the dealer so owning any such motor vehicle.

(f) On vehicles being moved to or from vehicle exhibitions within the state of Washington, provided that any such exhibition does not exceed a period of twenty days.

(4) Miscellaneous vehicle dealer license plates may be used:

(a) To demonstrate any miscellaneous vehicle: PROVIDED, That:

(i) No such vehicle shall be demonstrated on a public highway unless the customer has an appropriate endorsement on his driver's license, if such endorsement is required to operate such vehicle; and

(ii) A dated demonstration permit, valid for no more than seventy-two hours, is carried with the vehicle at all times it is operated by any such individual.

(b) On vehicles owned, held for sale and which are, in fact, available for sale, by the firm when operated by an officer of the corporation, partnership or proprietorship or by a bona fide full time employee of the firm, provided that a card so identifying such individual is carried in the vehicle at all times it is operated by him.

(c) On vehicles being tested for repair.

(d) On vehicles being transported to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(e) On vehicles on which any other item sold or to be sold by the dealer is transported from the place of business of the manufacturer to the place of business of the dealer or to and from places of business of the dealer: PROVIDED, That such vehicle and such item are purchased or sold as one package.

(5) Manufacturers properly licensed pursuant to this chapter may apply for and obtain manufacturer license plates and may be used:

(a) To transport vehicles to or from the place of business of a manufacturer to a vehicle dealer within this state who is properly licensed pursuant to this chapter.

(b) To test vehicles for repair.

(6) Vehicle dealer license plates and manufacturer license plates shall not be used for any purpose other than set forth in this section and specifically shall not be:

(a) Used on any vehicle not within the class for which the vehicle dealer license plates are issued unless specifically provided for in this section.

(b) Loaned to any person for any reason not specifically provided for in this section.

(c) Used on any vehicles for the transportation of any person, produce, freight, or commodities unless specifically provided for in this section, except there shall be permitted the use of such vehicle dealer license plates on a vehicle transporting commodities in the course of a demonstration over a period not to exceed

seventy-two consecutive hours from the commencement of such demonstration, if a representative of the dealer is present and accompanies such vehicle during the course of the demonstration.

(d) Used on any vehicle sold to a resident of another state to transport such vehicle to that other state in lieu of a trip permit or in lieu of vehicle license plates obtained from that other state.

(7) In addition to or in lieu of any sanction imposed by the director pursuant to RCW 46.70.101 for unauthorized use of vehicle dealer license plates or manufacturer license plates, the director may order that any or all vehicle dealer license plates or manufacturer license plates issued pursuant to this chapter be confiscated for such period as he deems appropriate. [1973 1st ex.s. c 132 § 13; 1971 ex.s. c 74 § 7; 1969 ex.s. c 63 § 3; 1961 c 12 § 46.70.090. Prior: 1955 c 283 § 1; 1951 c 150 § 10.]

46.70.101 DENIAL, SUSPENSION OR REVOCATION OF LICENSES--GROUND 5. The director may by order deny, suspend or revoke the license of any vehicle dealer, vehicle manufacturer, or vehicle salesman or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, if he finds that the order is in the public interest and that the applicant, or licensee:

(1) In the case of a vehicle dealer:

(a) The applicant or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee:

(i) Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled;

(ii) Has been convicted of any crime within the preceding five years involving fraud, misrepresentation, or conversion, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation or conversion;

(iii) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department;

(iv) Does not have an established place of business as defined in this chapter;

(v) Employs an unlicensed salesman or one whose license has been denied, revoked within the last year, or is currently suspended, the terms of which have not been fulfilled;

(vi) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records and files maintained within this state;

(vii) Sells, exchanges, offers, brokers, auctions, solicits or advertises a new or current model vehicle to which a factory new vehicle warranty attaches and fails to have a valid, written service agreement as required by this chapter, or having such agreement refuses to honor or repudiates the same;

(viii) Is insolvent, either in the sense that his liabilities exceed his assets, or in the sense that he cannot meet his obligations as they mature;

(ix) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final.

(b) The applicant or licensee, or any partner, officer, director, owner of ten percent of the assets of the firm, or any employee or agent:

(i) Has failed to comply with the applicable provisions of chapter 46.12 RCW or this chapter or any rules and regulations adopted thereunder;

(ii) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale or transfer of a vehicle;

(iii) Has forged the signature of the registered or legal owner on a certificate of title;

(iv) Has purchased, sold, disposed of, or has in his possession any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(v) Has wilfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;

(vi) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(c) The licensee or any partner, officer, director, owner of ten percent or more of the assets of the firm holds or has held any such position in any other vehicle dealership licensed pursuant to this chapter which is subject to final proceedings under this section.

(2) In the case of a vehicle salesman:

(a) Was the holder of, or was a partner in a partnership, or was an officer, director, or owner involved in the management of a corporation which was the holder, of a license issued pursuant to this chapter which was revoked for cause and never reissued or was suspended and the terms of the suspension had not been fulfilled;

(b) Has been convicted of any crime within the preceding five years involving fraud, misrepresentation, or conversion, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion;

(c) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto or in any matter under investigation by the department;

(d) Has failed to comply with the applicable provisions of chapter 46.12 RCW or this chapter and any rules and regulations adopted thereunder;

(e) Has defrauded or attempted to defraud the state, or a political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;

(f) Has forged the signature of the registered or legal owner on a certificate of title;

(g) Has purchased, sold, or disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(h) Has wilfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;

(i) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(j) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final.

(3) In the case of a manufacturer, or any partner, officer, director, or majority shareholder:

(a) Was or is the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled;

(b) Has knowingly or with reason to know, made a false statement of a material fact in his application for license, or any data attached thereto, or in any matter under investigation by the department;

(c) Has failed to comply with applicable provisions of chapter 46.12 RCW or this chapter and any rules and regulations adopted thereunder;

(d) Has defrauded or attempted to defraud the state, or political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;

(e) Has purchased, sold, or disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(f) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(g) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(h) Sells or distributes in this state or transfers into this state for resale, any new or unused vehicle to which a warranty attaches or has attached and

refuses to honor the terms of such warranty within a reasonable time or repudiates the same;

(i) Fails to maintain one or more resident employees or agents to provide service or repairs to vehicles located within the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured and which are or have been sold or distributed in this state or transferred into this state for resale unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department.

(j) Fails to reimburse within a reasonable time any vehicle dealer within the state of Washington who in good faith incurs reasonable obligations in giving effect to warranties that attach or have attached to any new or unused vehicle sold or distributed in this state or transferred into this state for resale by any such manufacturer.

(k) Engaged in practices inimical to the health and safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles. [1973 1st ex.s. c 132 § 14; 1969 ex.s. c 63 § 4; 1967 ex.s. c 74 § 11.]

46.70.120 RECORD OF TRANSACTIONS. A dealer shall complete and maintain for a period of at least five years a record of the purchase and sale of all vehicles purchased or sold by him which records shall consist of:

(1) The license and title numbers of the state in which the last license was issued;

(2) A description of the vehicle; and

(3) The name and address of person from whom purchased; and

(4) The name of legal owner, if any; and

(5) The name and address of purchaser; and

(6) Any additional information the department may require.

Such record shall be maintained separate and apart from all other business records of the dealer and shall at all times be available for inspection by the director or his duly authorized agent. [1973 1st ex.s. c 132 § 15; 1961 c 12 § 46.70.120. Prior: 1951 c 150 § 15.]

46.70.130 DETAILS OF CHARGES MUST BE FURNISHED BUYER OR MORTGAGOR. Before the execution of a contract or chattel mortgage or the consummation of the sale of any vehicle, the seller must furnish the buyer an itemization in writing signed by the seller separately disclosing to the buyer the finance charge, insurance costs, taxes, and other charges which are paid or to be paid by the buyer. [1973 1st ex.s.

c 132 § 16; 1961 c 12 § 46.70.130. Prior: 1951 c 150 § 16.]

46.70.140 HANDLING "HOT" VEHICLES—UN-REPORTED MOTOR "SWITCHES"—UNAUTHORIZED USE OF DEALER PLATES—PENALTY. Any vehicle dealer who shall knowingly or with reason to know, buy or receive, sell or dispose of, conceal or have in his possession, any vehicle from which the motor or serial number has been removed, defaced, covered, altered, or destroyed, or any dealer, who shall remove from or install in any motor vehicle a new or used motor block without immediately notifying the department of such fact upon a form provided by the department, or any vehicle dealer who shall loan or permit the use of vehicle dealer license plates by any person not entitled to the use thereof, shall be guilty of a gross misdemeanor. [1973 1st ex.s. c 132 § 17; 1971 ex.s. c 74 § 8; 1967 c 32 § 79; 1961 c 12 § 46.70.140. Prior: 1951 c 150 § 11.]

46.70.180 UNLAWFUL ACTS AND PRACTICES. Each of the following acts or practices is hereby declared unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for less down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a

vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer of a vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his authorized representative's future acceptance, and the dealer fails or refuses within forty-eight hours, exclusive of Saturday, Sunday or legal holiday, and prior to any further negotiations with said buyer, to deliver to the buyer either the dealer's signed acceptance or all copies of the order, offer or contract document together with any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle, delivered or to be delivered by the buyer as part of the purchase price, because of depreciation, obsolescence, or any other reason except substantial and latent mechanical defect that could not have been reasonably discovered at the time of the taking of said order, offer or contract: PROVIDED, That said physical damage or mechanical defect shall have occurred before the dealer took possession of the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560 and 46.37.570;

(6) For any vehicle dealer or vehicle salesman to refuse to furnish, upon request of a prospective purchaser, the name and address of the previous registered owner of any used vehicle offered for sale.

(7) Being a manufacturer to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which shall not have been voluntarily

ordered by the said vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument shall not be deemed to constitute coercion;

(b) Cancel, or, fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his capital investment which shall include but not be limited to tools, equipment, and parts inventory, possessed by the dealer on the day he is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if:

(1) The capital investment shall have been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (2) Said cancellation or nonrenewal was not done in good faith. Good faith shall be defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging or argument shall not be deemed to constitute a lack of good faith.

(c) Encourage, aid, abet or teach a vehicle dealer to sell vehicles through any false, deceptive or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order shall have been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation or utility services, or to any labor or production difficulty, or to any cause beyond the reasonable control of the manufacturer.

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state for resale by the vehicle manufacturer that any warranty claim on any item included as an integral part of the vehicle may only be made against the manufacturer of that item.

(8) Nothing in this section shall be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative or any other person, whether or not licensed under this

chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor shall the requirement of such performance constitute a violation of any of the provisions of this section: PROVIDED, HOWEVER, Any such contract, or the terms thereof, requiring performance, shall have been theretofore freely entered into and executed between the contracting parties. [1973 1st ex.s. c 132 § 18; 1969 c 112 § 1; 1967 ex.s. c 74 § 16.]

46.70.190 CIVIL ACTIONS FOR VIOLATIONS—INJUNCTIONS—CLAIMS UNDER FEDERAL AUTOMOBILE DEALER FRANCHISE ACT—TIME LIMITATION FOR FILING ACTION. Any person who is injured in his business or property by a violation of this chapter, or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of this chapter, may bring a civil action in the superior court to enjoin further violations, to recover the actual damages sustained by him together with the costs of the suit, including a reasonable attorney's fee.

Any person recovering judgment or whose claim has been dismissed with prejudice against a manufacturer pursuant to RCW 46.70.180 (7) (b) and this section shall, upon full payment of said judgment, or upon the dismissal of such claim, execute a waiver in favor of the judgment debtor or defendant of any claim arising prior to the date of said judgment or dismissal under the Federal Automobile Dealer Franchise Act, 15 United States Code Sections 1221-1225. Any person having recovered full payment for any judgment or whose claim has been dismissed with prejudice under said Federal Automobile Dealer Franchise Act shall have no cause of action under this section for alleged violation of RCW 46.70.180 (7) (b), with respect to matters arising prior to the date of said judgment.

A civil action brought in the superior court pursuant to the provisions of this section must be filed no later than one year following the alleged violation of this chapter. [1973 1st ex.s. c 132 § 19; 1967 ex.s. c 74 § 21.]

46.70.280 LICENSE RENEWAL PERIOD UNDER 1971 ACT. [1971 ex.s. c 74 § 9; 1967 ex.s. c 74 § 29.] Repealed by 1973 1st ex.s. c 132 § 25.

46.70.900 LIBERAL CONSTRUCTION—1967 ACT. All provisions of this chapter shall be liberally construed to the end that deceptive practices or commission of fraud or misrepresentation in the sale, barter, or disposition of vehicles in this state may be prohibited and prevented, and

irresponsible, unreliable, or dishonest persons may be prevented from engaging in the business of selling, bartering, or otherwise dealing in vehicles in this state and reliable persons may be encouraged to engage in the business of selling, bartering and otherwise dealing in vehicles in this state: PROVIDED, That this chapter shall not apply to printers, publishers, or broadcasters who in good faith print, publish or broadcast material without knowledge of its deceptive character. [1973 1st ex.s. c 132 § 20; 1967 ex.s. c 74 § 2.]

46.70.920 SEVERABILITY—1973 1ST EX.S. C 132. If any provision of this 1973 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this 1973 amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby. [1973 1st ex.s. c 132 § 21.]

Chapter 46.72
TRANSPORTATION OF PASSENGERS IN FOR HIRE
VEHICLES

46.72.040 SURETY BOND. Before a permit is issued every for hire operator shall be required to deposit and thereafter keep on file with the director a surety bond running to the state of Washington covering each and every for hire vehicle as may be owned or leased by him and used in the conduct of his business as a for hire operator. Such bond shall be in the sum of one hundred thousand dollars for any recovery for death or personal injury by one person, and three hundred thousand dollars for all persons killed or receiving personal injury by reason of one act of negligence, and twenty-five thousand dollars for damage to property of any person other than the assured, with a good and sufficient surety company licensed to do business in this state as surety and to be approved by the director, conditioned for the faithful compliance by the principal of said bond with the provisions of this chapter, and to pay all damages which may be sustained by any person injured by reason of any careless negligence or unlawful act on the part of said principal, his agents or employees in the conduct of said business or in the operation of any motor propelled vehicle used in transporting passengers for compensation on any public highway of this state. [1973 c 15 § 1; 1967 c 32 § 82; 1961 c 12 § 46.72.040. Prior: 1947 c 253 § 4; Rem. Supp. 1947 § 6386-4; prior: 1933 c 73 § 1, part; 1915 c 57 § 2, part; RRS § 6383, part. Formerly RCW 81,72.040.]

46.72.050 LIABILITY COVERAGE--RIGHT OF ACTION SAVED. In lieu of the surety bond as provided in this chapter, there may be deposited and kept on file and in force with the director a public liability insurance policy covering each and every motor vehicle operated or intended to be so operated, executed by an insurance company licensed and authorized to write such insurance policies in the state of Washington, assuring the applicant for a permit against property damage and personal liability to the public, with the premiums paid and payment noted thereon. Said policy of insurance shall provide a minimum coverage equal and identical to the coverage required by the aforesaid surety bond, specified under the provisions of RCW 46.72.040. No provisions of this chapter shall be construed to limit the right of any injured person to any private right of action against a for hire operator as herein defined. [1973 c 15 § 2; 1967 c 32 § 83; 1961 c 12 § 46.72.050. Prior: 1947 c 253 § 5; Rem. Supp. 1947 § 6386-5. Formerly RCW 81.72.050.]

Chapter 46.85
RECIPROCAL OR PROPORTIONAL REGISTRATION OF
VEHICLES

46.85.120 PROPORTIONAL REGISTRATION OF FLEET VEHICLES, APPLICATION, FEE--FORMULA AND PAYMENT. (1) Any owner engaged in operating one or more fleets may, in lieu of registration of vehicles under the provisions of chapter 46.16 RCW and payment of excise taxes and fees imposed by chapter 82.44 RCW, register and license each fleet for operation in this state by filing an application with the department which shall contain the following information and such other information pertinent to vehicle registration as the department may require:

(a) Total fleet miles. This shall be the total number of miles operated in all jurisdictions during the preceding year by the motor vehicles in such fleet during said year.

(b) In-state miles. This shall be the total number of miles operated in this state during the preceding year by the motor vehicles in such fleet during said year.

(c) A description and identification of each vehicle of such fleet which is to be operated in this state during the registration year for which proportional fleet registration is requested.

(2) The application for each fleet shall, at the time and in the manner required by the department, be supported by fee payment computed as follows:

(a) Divide the sum of the in-state miles by total fleet miles.

(b) Determine the total amount necessary under the provisions referred to in subsection (1) of this section to register each and every vehicle in the fleet for

which registration is requested, based on the regular annual fees or applicable fees for the unexpired portion of the registration year.

(c) Multiply the sum obtained under subsection (2) (b) hereof by the fraction obtained under subsection (2) (a) hereof.

(3) The applicant for proportional registration of any fleet, the nonmotor vehicles of which are operated in jurisdictions in addition to those in which the applicant's fleet motor vehicles are operated, may state such nonmotor vehicles separately in his application and compute and pay the fees therefor in accordance with such separate statement, as to which "total miles" shall be the total miles operated in all jurisdictions during the preceding year.

(4) In no event shall the total fee payment be less than a minimum of five dollars per motor truck, truck tractor or auto stage, and three dollars per vehicle of any other type. [1973 c 115 § 1; 1971 c 51 § 1; 1963 c 106 § 12.]

TITLE 47
PUBLIC HIGHWAYS

Sections added, amended, or repealed:

Chapter 47.01 Highway Commission.

- 47.01.140 Commission's report to legislature.
- 47.01.141 Commission's report to legislature and governor--Budget.
- 47.01.160 Commission--Specific powers enumerated.
- 47.01.220 Commission--Report to legislature on highway needs through legislative transportation committee and senate and house transportation and utilities committees.

Chapter 47.04 General Provisions.

- 47.04.080 State may cooperate with other governments and agencies.
- 47.04.100 Temporary route pending construction of new highway--Streets, roads not to be maintained as.

Chapter 47.05 Priority Programming for Highway Development.

- 47.05.030 Long range plan for improvements--Objectives--Priorities.
- 47.05.040 Six year comprehensive highway construction program and financial plan--Adoption--Biennial revision--Apportionment.
- 47.05.050 Six year comprehensive highway construction program--Composition--Criteria for selection of projects--Revision--Biennial extension.

- 47.05.060 Summary of proposed program to be presented to governor and legislature—Contents.
- 47.05.070 Budget recommendation to be presented to governor and legislature—Contents.
- 47.05.080 Biennial report to joint committee on highways.
- Chapter 47.08 Highway Funds.
- 47.08.080 Funds when commission is in charge of county road improvements.
- 47.08.090 Funds when commission is in charge of city street improvements.
- 47.08.100 Illegal use of county or city road funds—Procedure to correct.
- Chapter 47.12 Acquisition and Disposition of State Highway Property.
- 47.12.090 Sale of state highway land used for administrative purposes authorized.
- 47.12.100 Sale of state highway land used for administrative purposes authorized—Rejection and acceptance of bids—Governor's approval before acceptance.
- 47.12.105 Sale of state highway land used for administrative purposes authorized—Conveyance.
- 47.12.110 Sale of state highway land used for administrative purposes authorized—Disposition of proceeds.
- 47.12.270 Acquisition of property for parking facilities for motorists using urban public transportation facilities or private car pool vehicles.
- 47.12.280 Sale of real property—Authorized—Procedure—Disposition of proceeds.
- 47.12.290 Sale of real property—Certification to governor—Execution, delivery of deed.
- 47.12.300 Sale of unneeded property—Toll bridge authority—Authorized—Rules.
- 47.12.301 Sale of unneeded property—Toll bridge authority—Certification to governor—Execution, delivery of deed.
- 47.12.302 Toll bridge authority—Sale of unneeded property.
- 47.12.310 Sale of real property—Advertisement of sale terms required before sale becomes final—Sale to second purchaser, when.
- 47.12.320 Sale of property—Listing of available properties with broker authorized.
- Chapter 47.17 State Highway Routes.
- 47.17.065 State route No. 16.
- 47.17.080 State route No. 20.
- 47.17.081 State route No. 20 north.
- 47.17.125 State route No. 30.
- 47.17.130 State route No. 31.
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Chapter 47.64 Marine Employee Commission.

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Chapter 47.01
HIGHWAY COMMISSION

47.01.140 COMMISSION'S REPORT TO LEGISLATURE. [1961 c 13 § 47.01.140. Prior: 1951 c 247 § 14. Formerly RCW 43.27.190.] Repealed by 1973 2nd ex.s. c 12 § 8.

47.01.141 COMMISSION'S REPORT TO LEGISLATURE AND GOVERNOR—BUDGET. The highway commission shall submit reports to the governor and legislature at the time each regular session of the legislature convenes, including but not limited to the following information:

(1) The amount of money expended by or under its direction during the preceding two fiscal years including data and information as shall show a strict accounting of sums expended;

(2) Projects constructed or under construction in the preceding two fiscal years;

(3) Such operational activities of the preceding two fiscal years as the commission may deem important and recommendations for the future operations of the commission;

(4) A summary of the proposed construction program by functional classification of highways including the national system of interstate and defense highways for the ensuing six years with the portion thereof to be accomplished during the ensuing biennium shown in detail with estimated costs therefor.

In addition, the highway commission shall submit a budget in accordance with RCW 47.05.070. [1973 2nd ex.s. c 12 § 1.]

Cross Reference:

Commission's report to legislature on highway needs: RCW 47.01.220.

47.01.160 COMMISSION—SPECIFIC POWERS ENUMERATED (AS AMENDED BY 1973 C 106 § 21). The state highway commission shall have the power and it shall be its duty:

(1) To conduct, control and supervise the state department of highways, and to designate and establish such department of highway district or branch offices as may be necessary and convenient, and, subject to the provisions of chapter 41.06 RCW, to appoint and employ and to determine the powers and duties together with the salaries and other expenses of such engineering, clerical, mechanical, and any and all other assistants as may be necessary or convenient in the exercise of the powers and in the discharge of its duties as the state highway commission: PROVIDED, That the highway commission may delegate to the director of highways the authority to employ, appoint, discipline, or discharge employees of the department of highways: PROVIDED FURTHER, That the director may delegate, by order, this authority to his subordinates as he deems appropriate, but the director shall be responsible for the official acts of such subordinates.

(2) To keep at the office of the commission in the highway building at the state capitol a record of all proceedings and orders pertaining to the matters under its direction and copies of all maps, plans and specifications prepared by it, and to prepare and submit to the governor thirty days before each regular session of

the legislature of the state of Washington a report of work constructed or under construction and to make recommendations as to needed state highways and improvements of the state highway system, together with estimated cost thereof.

(3) To acquire property as authorized by law and to construct and maintain thereon any buildings or structures necessary and convenient for the exercise of the powers and the discharge of the duties of the commission and to construct and maintain any buildings or structures and appurtenances and facilities necessary or convenient to the health and safety and for the accommodation of persons traveling upon the state highways.

(4) To employ such qualified engineers who shall be registered professional engineers under the laws of the state of Washington, assistants and such other services and to provide such superintendents of construction, repair or maintenance work on any state highways as may be necessary to accomplish the completion thereof, and the expense so incurred together with the cost of any right of way necessary therefor, or land incidental thereto, shall be charged against the funds appropriated for the construction, repair or maintenance of state highways.

(5) To exercise all the powers and perform all the duties necessary, convenient, or incidental to the laying out, locating, relocating, surveying, constructing, altering, repairing, improving, and maintaining of any state highway, and of any bridges, culverts and embankments necessary or important therefor or for the protection or preservation thereof, and channel changes therefor and to examine and allow or disallow bills for any work done or materials furnished and to certify all claims allowed to the state treasurer.

(6) To publish biennially and before the end of each even numbered year a report of the commission with such cumulative information as may be deemed important and such recommendations as may be deemed desirable for the future operation of the commission.

(7) To collect and compile and to publish, if it is deemed advisable, statistics relative to public highways throughout the state; to collect such information in regard thereto as is deemed expedient; to investigate and determine upon various methods of highway construction adaptable to different sections of the state; to investigate and determine the best methods of construction and maintenance of highways, roads and bridges; to gather and compile such other information relating thereto as shall be deemed appropriate, and to employ highway funds for the purpose of constructing test roads within the state of Washington and conducting investigations and research thereof in the state of Washington or elsewhere; to conduct on any highways, roads, or streets of this state, physical, traffic or other nature of inventory or

survey considered of value in determining highway, road or street uses and needs.

(8) To exercise all powers and to perform all duties by any law granted to or imposed upon the state highway board, the state highway commission, the state highway committee, the director of public works by and through the division of highways, the supervisor of highways, and the state highway engineer.

(9) To exercise all other powers and perform all other duties now or hereafter provided by law. [1973 c 106 § 21; 1971 ex.s. c 115 § 1; 1965 ex.s. c 170 § 29; 1961 c 13 § 47.01.160. Prior: 1937 c 53 § 3; RRS § 6400-3. Formerly RCW 43.27.020.]

Reviser's note: RCW 47.01.160 was amended during the 1973 regular session and also during the 1973 second extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

47.01.160 COMMISSION--SPECIFIC POWERS ENUMERATED (AS AMENDED BY 1973 2ND EX.S. C 12 § 2). The state highway commission shall have the power and it shall be its duty:

(1) To conduct, control and supervise the state department of highways, and to designate and establish such department of highway district or branch offices as may be necessary and convenient, and, subject to the provisions of chapter 41.06 RCW, to appoint and employ and to determine the powers and duties together with the salaries and other expenses of such engineering, clerical, mechanical, and any and all other assistants as may be necessary or convenient in the exercise of the powers and in the discharge of its duties as the state highway commission: PROVIDED, That the highway commission may delegate to the director of highways the authority to employ, appoint, discipline, or discharge employees of the department of highways: PROVIDED FURTHER, That the director may delegate, by order, this authority to his subordinates as he deems appropriate, but the director shall be responsible for the official acts of such subordinates.

(2) To keep at the office of the commission in the highway building at the state capitol a record of all proceedings and orders pertaining to the matters under its direction and copies of all maps, plans and specifications prepared by it.

(3) To acquire property as authorized by law and to construct and maintain thereon any buildings or structures necessary and convenient for the exercise of the powers and the discharge of the duties of the commission and to construct and maintain any buildings or structures and appurtenances and facilities necessary or convenient to the health and safety and for the accommodation of persons traveling upon the state highways.

(4) To employ such qualified engineers who shall be registered professional engineers under the laws of the state of Washington, assistants and such other services and to provide such superintendents of construction, repair or maintenance work on any state highways as may be necessary to accomplish the completion thereof, and the expense so incurred together with the cost of any right of way necessary therefor, or land incidental thereto, shall be charged against the funds appropriated for the construction, repair or maintenance of state highways.

(5) To exercise all the powers and perform all the duties necessary, convenient, or incidental to the laying out, locating, relocating, surveying, constructing, altering, repairing, improving, and maintaining of any state highway, and of any bridges, culverts and embankments necessary or important therefor or for the protection or preservation thereof, and channel changes therefor and to examine and allow or disallow bills for any work done or materials furnished and to certify all claims allowed to the state auditor.

(6) To collect and compile and to publish, if it is deemed advisable, statistics relative to public highways throughout the state; to collect such information in regard thereto as is deemed expedient; to investigate and determine upon various methods of highway construction adaptable to different sections of the state; to investigate and determine the best methods of construction and maintenance of highways, roads and bridges; to gather and compile such other information relating thereto as shall be deemed appropriate, and to employ highway funds for the purpose of constructing test roads within the state of Washington and conducting investigations and research thereof in the state of Washington or elsewhere; to conduct on any highways, roads, or streets of this state, physical, traffic or other nature of inventory or survey considered of value in determining highway, road or street uses and needs.

(7) To exercise all powers and to perform all duties by any law granted to or imposed upon the state highway board, the state highway commission, the state highway committee, the director of public works by and through the division of highways, the supervisor of highways, and the state highway engineer.

(8) To exercise all other powers and perform all other duties now or hereafter provided by law. [1973 2nd ex.s. c 12 § 2; 1971 ex.s. c 115 § 1; 1965 ex.s. c 170 § 29; 1961 c 13 § 47.01.160. Prior: 1937 c 53 § 3; RRS § 6400-3. Formerly RCW 43.27.020.]

Reviser's note: RCW 47.01.160 was amended during the 1973 regular session

and also during the 1973 second extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

47.01.220 COMMISSION--REPORT TO LEGISLATURE ON HIGHWAY NEEDS THROUGH LEGISLATIVE TRANSPORTATION COMMITTEE AND SENATE AND HOUSE TRANSPORTATION AND UTILITIES COMMITTEES. The state highway commission shall report to the legislature through the legislative transportation committee and senate and house transportation and utilities committees on the highway needs of the state. [1973 2nd ex.s. c 12 § 3; 1961 c 13 § 47.01.220. Prior: 1957 c 172 § 30. Formerly RCW 43.27.192.]

Cross Reference:

Commission's report to legislature and governor: RCW 47.01.141.

Chapter 47.04 GENERAL PROVISIONS

47.04.080 STATE MAY COOPERATE WITH OTHER GOVERNMENTS AND AGENCIES. The highway commission is empowered to join financially or otherwise with any other state or any county, city, or town of any other state, or with any foreign country, or any province or district of any foreign country, or with the federal government or any agency thereof, or with any or all thereof, for the erecting, constructing, operating, or maintaining of any bridge, trestle, or any other structure, for the continuation or connection of any state highway across any stream, body of water, gulch, navigable water, swamp, or other topographical formation requiring any such structure and forming a boundary between the state of Washington and any other state or foreign country, and for the purchase or condemnation of right of way therefor. [1973 1st ex.s. c 151 § 11; 1961 c 13 § 47.04.080. Prior: 1937 c 53 § 47 1/2; RRS § 6400-47 1/2.]

47.04.100 TEMPORARY ROUTE PENDING CONSTRUCTION OF NEW HIGHWAY--STREETS, ROADS NOT TO BE MAINTAINED AS. Unless otherwise provided, whenever by statute a new highway or extension is added to the state highway system, no existing city street or county road shall be maintained or improved by the state highway commission as a temporary route of such new highway or extension pending the construction of the new highway or extension on the location adopted by the state highway commission. [1973 1st ex.s. c 151 § 12; 1965 ex.s. c 170 § 34.]

Chapter 47.05
PRIORITY PROGRAMMING FOR HIGHWAY
DEVELOPMENT

47.05.030 LONG RANGE PLAN FOR IMPROVEMENTS—OBJECTIVES—PRIORITIES. The state highway commission shall adopt and periodically revise after consultation with the legislative transportation committee and senate and house transportation and utilities committees a long range plan for highway improvements, specifying highway planning objectives to be accomplished within a fourteen year advance planning period, and within the framework of revenue estimates for such period. The plan shall be based upon the construction needs for state highways as determined and segregated according to functional class by the highway commission from time to time.

With such reasonable deviations as may be required to effectively utilize the available funds and to adjust to unanticipated delays in programmed projects, the highway commission shall allocate the estimated available funds, so as to carry out such rates of completion within a fourteen year advance planning period on that part of the national system of interstate and defense highways on which the federal government participates financially at the interstate rate under federal law and regulations, on the parts of the national system of interstate and defense highways on which federal aid participation is less than the regular interstate rate under federal law and regulations; and on the remaining four functional classes as the highway commission, acting pursuant to reasonable rules and regulations adopted by the commission, shall determine to be necessary in order to maintain a balanced development of the state's highway system, considering primarily the following factors:

- (a) The relative remaining needs of each functional class of highways;
- (b) The estimated available funds;
- (c) Continuity of future developments with those previously programmed; and
- (d) Graduation of rates of completion according to functional class importance. [1973 2nd ex.s. c 12 § 4; 1969 ex.s. c 39 § 3; 1965 ex.s. c 170 § 33; 1963 c 173 § 3.]

47.05.040 SIX YEAR COMPREHENSIVE HIGHWAY CONSTRUCTION PROGRAM AND FINANCIAL PLAN—ADOPTION—BIENNIAL REVISION—APPORTIONMENT. Prior to October 1 of each even-numbered year, the state highway commission shall adopt and thereafter shall biennially revise after consultation with the legislative transportation committee and senate and house transportation and utilities committees a comprehensive six-year program and financial plan for highway construction, maintenance, and

planning activities. The highway construction program for the ensuing six years shall apply to each of the five functional classes of state highways that percentage of the estimated available construction funds as will be necessary to accomplish the commission's long range plan for highway improvements. The commission shall apportion the available construction funds, according to functional class, among the several highway districts in the proportion that the estimated remaining needs for each functional class of highway within each highway district bears to the total estimated needs for each functional class remaining unsatisfied throughout the state. [1973 2nd ex.s. c 12 § 5; 1969 ex.s. c 39 § 4; 1963 c 173 § 4.]

47.05.050 SIX YEAR COMPREHENSIVE HIGHWAY CONSTRUCTION PROGRAM—COMPOSITION—CRITERIA FOR SELECTION OF PROJECTS—REVISION—BIENNIAL EXTENSION. The six year comprehensive highway construction program shall contain a priority construction program for each functional class of highways, including the national system of interstate and defense highways, within the budget limits established for each class. Selection of specific projects for the six year program shall be based on the rating of each highway section proposed to be improved or constructed in relation to other highway sections within the same functional class within the respective highway district, taking into account the following:

- (1) Its structural ability to carry loads imposed upon it;
- (2) Its capacity to move traffic at reasonable speeds without undue congestion;
- (3) Its adequacy of alignment and related geometrics;
- (4) Its accident experience;
- (5) Its fatal accident experience;
- (6) In the case of designated but unconstructed highways, its economic importance measured by a cost-benefit analysis, the effect on the state's economy and benefit to the geographical area concerned.

The commission in selecting any project for improvement or construction may depart from the priority of projects so established (a) to the extent that otherwise funds cannot be utilized feasibly within the budget, (b) as may be required by a court judgment or legally binding agreement, (c) to take advantage of some substantial financial benefit that may be available, or (d) for continuity of route development. The commission shall identify in its summary of the six-year construction program the extent to which the commission has departed from the established priority of projects.

The six year construction program shall be revised biennially in accordance with revisions in functional classification or

priority ratings within each functional class resulting from changed conditions. The program shall be extended for an additional two years, to six years in the future, on July 1st of each odd-numbered year. [1973 2nd ex.s. c 12 § 6; 1969 ex.s. c 39 § 5; 1963 c 173 § 5.]

47.05.060 SUMMARY OF PROPOSED PROGRAM TO BE PRESENTED TO GOVERNOR AND LEGISLATURE--CONTENTS. [1963 c 173 § 6.] Repealed by 1973 2nd ex.s. c 12 § 8.

47.05.070 BUDGET RECOMMENDATION TO BE PRESENTED TO GOVERNOR AND LEGISLATURE--CONTENTS. The state highway commission shall prepare and present to the governor and to the legislature at the time of its convening, a recommended budget for the ensuing biennium. The biennial budget shall include details of proposed expenditures, performance and public service criteria for construction, maintenance, and planning activities in consonance with the six-year comprehensive program and financial plan adopted under provisions of RCW 47.05.040. [1973 2nd ex.s. c 12 § 7; 1963 c 173 § 7.]

47.05.080 BIENNIAL REPORT TO JOINT COMMITTEE ON HIGHWAYS. [1969 ex.s. c 39 § 6; 1963 c 173 § 8.] Repealed by 1973 2nd ex.s. c 12 § 8.

Chapter 47.08
HIGHWAY FUNDS

47.08.080 FUNDS WHEN COMMISSION IS IN CHARGE OF COUNTY ROAD IMPROVEMENTS. In the event that any funds should become available from the federal government, or otherwise, for expenditure in conjunction with county funds, for the construction, alteration, repair or improvement of any county road of any county and the same is to be performed by the highway commission, the state treasurer shall, upon notice from the highway commission thereof, set aside from any moneys in the motor vehicle fund credited to any such county, the cost thereof, together with the cost of engineering, supervision, and other proper items, or so much of the money in the state treasury to the credit of such county as may be necessary for use in conjunction with funds from the federal government to accomplish such work, the same to be performed by the highway commission and paid from the money so set aside upon vouchers approved and submitted by the highway commission in the same manner as payment is made for such work on state highways: PROVIDED, That the board of county commissioners of any such county shall have, by proper resolution, filed in duplicate in the office of the highway commission and approved by it, determined

the county road construction, alteration, repair or improvement to be performed in such county and the same is found to conform in all respects to the requirements necessary for the use of such funds of the federal government. [1973 c 106 § 22; 1961 c 13 § 47.08.080. Prior: 1937 c 187 § 59; RRS § 6450-59.]

47.08.090 FUNDS WHEN COMMISSION IS IN CHARGE OF CITY STREET IMPROVEMENTS. In the event that any funds should become available from the federal government or otherwise for expenditure in conjunction with funds accruing to any incorporated city or town for the construction, alteration, repair or improvement of its city streets designated as forming a part of the route of any state highway through such incorporated city or town and the same is to be performed by the highway commission, the state treasurer shall, upon notice from the highway commission thereof, set aside from any moneys in the motor vehicle fund credited to such incorporated city or town, the cost thereof or so much money in the state treasury to the credit of such incorporated city or town as may be necessary in conjunction with such funds from the federal government or otherwise to accomplish such work, the same to be paid by the state auditor from the money so set aside upon vouchers approved and submitted by the highway commission in the same manner as payment is made for work on state highways. In the event that any such incorporated city or town shall have agreed with the state of Washington or the federal government as a condition precedent to the acquiring of federal funds for construction on any city street of such incorporated city or town designated as forming a part of the route of any state highways, that the same will be maintained to a standard and such incorporated city or town fails to so maintain such city street, then the highway commission may perform such maintenance and the state auditor is authorized to deduct the cost thereof from any funds credited or to be credited to such incorporated city or town and pay the same on vouchers approved and submitted by the highway commission in the same manner as payment is made for work performed on state highways. [1973 c 106 § 23; 1961 c 13 § 47.08.090. Prior: 1937 c 187 § 65; RRS § 6450-65.]

47.08.100 ILLEGAL USE OF COUNTY OR CITY ROAD FUNDS--PROCEDURE TO CORRECT. The highway commission is authorized from time to time to investigate expenditures from the county road fund and the city street fund; and if it determines that unauthorized, illegal or wrongful expenditures are being or have been made from said fund it is authorized to proceed as follows: If the county road fund is involved it shall notify in writing the

board of county commissioners and the county treasurer of its determination; and if the city street fund is involved it shall notify the city council or commission and the mayor and city treasurer of the city or town of its determination. In its determination the highway commission is authorized to demand of said officials that the wrongful or illegal expenditures shall be stopped, adjusted, or remedied and that restitution of any wrongful or illegal diversion or use shall be made; and it may notify said officials that if the wrong is not stopped, remedied, or adjusted, or restitution made to its satisfaction within a specified period fixed by it, it will direct the withholding of further payments to the county or city from the motor vehicle fund. The county or city shall have ten days after such notice is given within which to correct or remedy the wrong, or wrongful and illegal practices, to make restitution or to adjust the matter to the satisfaction of the highway commission.

If no correction, remedy, adjustment or restitution is made within said ten days to the satisfaction of the commission it shall have power to request in writing that the state treasurer withhold further payments from the motor vehicle fund to such county or city; and it shall be the duty of the state treasurer upon being so notified to withhold further payments from the motor vehicle fund to the county or city involved until such officials are notified in writing by the commission that payments may be resumed.

The commission is also authorized to notify in writing the prosecuting attorney of the county in which such violation occurs of the facts, and it shall be the duty of the prosecuting attorney to file charges and to criminally prosecute any and all persons guilty of any such violation. [1973 c 106 § 24; 1961 c 13 § 47.08.100. Prior: 1943 c 82 § 13, part; 1937 c 187 § 66, part; Rem. Supp. 1943 § 6450-66, part.]

Chapter 47.12

ACQUISITION AND DISPOSITION OF STATE HIGHWAY PROPERTY

47.12.090 SALE OF STATE HIGHWAY LAND USED FOR ADMINISTRATIVE PURPOSES AUTHORIZED. [1961 c 13 § 47.12.090. Prior: 1937 c 185 § 1; RRS § 6400-111.] Repealed by 1973 1st ex.s. c 177 § 8.

47.12.100 SALE OF STATE HIGHWAY LAND USED FOR ADMINISTRATIVE PURPOSES AUTHORIZED--REJECTION AND ACCEPTANCE OF BIDS--GOVERNOR'S APPROVAL BEFORE ACCEPTANCE. [1961 c 13 § 47.12.100. Prior: 1937 c 185 § 2; RRS § 6400-112.] Repealed by 1973 1st ex.s. c 177 § 8.

47.12.105 SALE OF STATE HIGHWAY LAND USED FOR ADMINISTRATIVE PURPOSES AUTHORIZED--CONVEYANCE. [1961 c 13 § 47.12-105. Prior: 1937 c 185 § 3; RRS § 6400-113.] Repealed by 1973 1st ex.s. c 177 § 8.

47.12.110 SALE OF STATE HIGHWAY LAND USED FOR ADMINISTRATIVE PURPOSES AUTHORIZED--DISPOSITION OF PROCEEDS. [1961 c 13 § 47.12.110. Prior: 1937 c 185 § 4; RRS § 6400-114.] Repealed by 1973 1st ex.s. c 177 § 8.

47.12.270 ACQUISITION OF PROPERTY FOR PARKING FACILITIES FOR MOTORISTS USING URBAN PUBLIC TRANSPORTATION FACILITIES OR PRIVATE CAR POOL VEHICLES. The state highway commission may acquire real property or interests in real property by gift, purchase, lease, or condemnation and may construct and maintain thereon fringe and transportation corridor parking facilities to serve motorists transferring to or from urban public transportation vehicles or private car pool vehicles. The state highway commission may obtain and exercise options for the purchase of property to be used for purposes described in this section. The state highway commission shall not expend any funds for acquisition or construction costs of any parking facility to be operated as a part of a transit system by a metropolitan municipal corporation unless such facility has been approved by the state highway commission in advance of its acquisition or construction. [1973 2nd ex.s. c 18 § 1.]

47.12.280 SALE OF REAL PROPERTY--AUTHORIZED--PROCEDURE--DISPOSITION OF PROCEEDS. Any real property (including lands, improvements thereon, and any interests or estates) held by the department of highways other than that acquired under RCW 47.12.020 may be sold in accordance with the following procedure:

(1) Determination that the real property is unnecessary for the purposes of the department of highways;

(2) Determination of the fair market value of the real property;

(3) Offering of the real property for sale by auction after notice to the general public of the proposed auction sale in the following manner: By notice of the proposed sale published in a display advertisement of no less than two column by two inch or one column by four inch size in any daily or weekly legal newspaper of general circulation published in the county in which the real property to be sold is situated. This advertisement shall appear in the legal notices section and the real estate classified section. This publication shall appear for a period of not less than four weeks prior to the proposed sale and the notice

shall particularly describe the property to be sold and the time and place of the proposed sale: PROVIDED, That if there is no legal newspaper published in this county, then such notice shall be published in the legal newspaper published in this state nearest to the place of sale.

(4) Offering of the real property for sale by advertisement and negotiation if the real property was offered, but not sold at auction.

No real property shall be sold for less than the fair market value at the time of the auction if sold at auction or the fair market value at the date of the agreement to sell if sold by advertisement and negotiation. Any offer to purchase real property may be rejected at any time prior to written acceptance of the offer by the department of highways and approval of the terms of the transaction by the highway commission.

The highway commission shall approve the terms of each sale, either individually or by general rule, so that payment is made or safely secured to the state. The highway commission may adopt rules further implementing this section.

All funds received under this section shall be forwarded to the state treasurer and by him credited to the motor vehicle fund. [1973 1st ex.s. c 177 § 1.]

47.12.290 SALE OF REAL PROPERTY--CERTIFICATION TO GOVERNOR--EXECUTION, DELIVERY OF DEED. When full payment for real property agreed to be sold as authorized by RCW 47.12.280 has been received the director of the department of highways shall certify this fact to the governor with a description of the land and the terms of the sale and the governor may execute and the secretary of state shall attest the deed and deliver it to the grantee. [1973 1st ex.s. c 177 § 2.]

47.12.300 SALE OF UNNEEDED PROPERTY--TOLL BRIDGE AUTHORITY--AUTHORIZED--RULES. See RCW 47.56.254.

47.12.301 SALE OF UNNEEDED PROPERTY--TOLL BRIDGE AUTHORITY--CERTIFICATION TO GOVERNOR--EXECUTION, DELIVERY OF DEED. See RCW 47.56.255.

47.12.302 TOLL BRIDGE AUTHORITY--SALE OF UNNEEDED PROPERTY. See RCW 47.60.130.

47.12.310 SALE OF REAL PROPERTY--ADVERTISEMENT OF SALE TERMS REQUIRED BEFORE SALE BECOMES FINAL--SALE TO SECOND PURCHASER, WHEN. Before any such sale involving a sum in excess of ten thousand dollars shall be final, the commission shall cause to be reported in a legal newspaper of the county in which the property is located a legal advertisement,

and such other advertisement as the commission shall deem advisable, setting forth the legal description of the property, the commonly known address, the name of the purchaser, the purchase price, the name of the agent, attorney, or real estate broker handling the transaction, the terms of the sale including the price and interest rate on any deferred payments, in three consecutive editions thereof. Any individual may within thirty days after the first publication of such advertisement offer subject to the same terms or conditions a purchase price of ten percent more than the offer advertised and the commission shall make such sale to the second purchaser. [1973 1st ex.s. c 177 § 6.]

47.12.320 SALE OF PROPERTY--LISTING OF AVAILABLE PROPERTIES WITH BROKER AUTHORIZED. The highway commission may list any available properties with any licensed real estate broker at a commission rate otherwise charged in the geographic area for such services. [1973 1st ex.s. c 177 § 7.]

Chapter 47.17 STATE HIGHWAY ROUTES

47.17.065 STATE ROUTE NO. 16. A state highway to be known as state route number 16 is established as follows:

Beginning at a junction with state route number 5 at Tacoma, thence northwesterly by way of the Tacoma Narrows Bridge and a junction with state route number 160 in the vicinity west of Port Orchard to a junction with state route number 3 in the vicinity of Bremerton. [1973 1st ex.s. c 151 § 1; 1970 ex.s. c 51 § 14.]

47.17.080 STATE ROUTE NO. 20. A state highway to be known as state route number 20 is established as follows:

Beginning at a junction with state route number 101 in the vicinity of Discovery Bay, thence northeasterly via the most feasible route to Port Townsend; also

From the Keystone ferry dock on Whidbey Island, thence northeasterly by the most feasible route by way of Deception Pass, Burlington, Sedro Woolley, Concrete, Newhalem, Winthrop, Twisp, Okanogan, Tonasket, Republic, Kettle Falls, Colville, and Tiger; thence southerly and southeasterly to a junction with state route number 2 at Newport. [1973 1st ex.s. c 151 § 13; 1970 ex.s. c 51 § 17.]

47.17.081 STATE ROUTE NO. 20 NORTH. A state highway to be known as state route number 20 north is established as follows: Beginning at Anacortes, thence easterly via the most feasible route to a junction

with state route number 20 southeast of Anacortes. [1973 1st ex.s. c 151 § 17.]

47.17.125 STATE ROUTE NO. 30. [1970 ex.s. c 51 § 26.] Repealed by 1973 1st ex.s. c 151 § 20.

47.17.130 STATE ROUTE NO. 31. A state highway to be known as state route number 31 is established as follows:

Beginning at a junction with state route number 20 at Tiger, thence northerly by way of Metaline Falls to the international boundary. [1973 1st ex.s. c 151 § 14; 1970 ex.s. c 51 § 27.]

47.17.155 STATE ROUTE NO. 97. A state highway to be known as state route number 97 is established as follows:

Beginning at the Washington-Oregon boundary on the interstate bridge across the Columbia river at Biggs Rapids, thence in a northerly direction to the junction with state route number 14 in the vicinity of Maryhill, thence in a northerly direction by way of Goldendale, thence northeasterly by way of Satus Pass to a junction with state route number 22 at Toppenish, thence northwesterly south of the Yakima river to a junction with state route number 82 at Union Gap; also

Beginning at a junction with state route number 90 in the vicinity east of Cle Elum, thence northeasterly by the most feasible route by way of Blewett Pass to a junction with state route number 2 in the vicinity of Peshastin; also

Beginning at a junction with state route number 2 in the vicinity north of Wenatchee, thence northerly by the most feasible route by way of the vicinities of Chelan, Pateros, Brewster, Okanogan, and Oroville to the international boundary line: PROVIDED, That until such times as the watergrade route between Chelan Station and Azwell, as designated by the highway commission, is constructed and opened to traffic the existing route on the west side of the Columbia river shall remain the traveled way of state route number 97. [1973 1st ex.s. c 151 § 2; 1970 ex.s. c 51 § 32.]

47.17.195 STATE ROUTE NO. 108. A state highway to be known as state route number 108 is established as follows:

Beginning at a junction with state route number 8 in the vicinity west of McCleary, thence northeasterly to a junction with state route number 101 south of Shelton. [1973 1st ex.s. c 151 § 3; 1970 ex.s. c 51 § 40.]

47.17.217 STATE ROUTE NO. 115. A state highway to be known as state route number 115 is established as follows:

Beginning at Ocean Shores thence in an easterly and northerly direction by the most feasible route to a junction with state route number 109 in the vicinity south of Ocean City. [1973 c 60 § 1.]

47.17.220 STATE ROUTE NO. 113. [1970 ex.s. c 51 § 45.] Repealed by 1973 1st ex.s. c 151 § 20.

47.17.235 STATE ROUTE NO. 124. A state highway to be known as state route number 124 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Burbank, thence northeasterly by the most feasible route to a point in the vicinity of Eureka, thence easterly by the most feasible route to a junction with state route number 125 in the vicinity of Prescott, thence easterly to a junction with state route number 12 in the vicinity northeast of Waitsburg.

That portion of state route number 124 lying between the junction with state route number 12 and the county road to Ice Harbor Dam to be known as "Ice Harbor Drive". [1973 1st ex.s. c 151 § 4; 1970 ex.s. c 51 § 48.]

47.17.281 STATE ROUTE NO. 143. A state highway to be known as state route number 143 is established as follows:

Beginning at the Washington-Oregon boundary on the interstate bridge across the Columbia river in the vicinity of McNary Dam, thence northerly by the most feasible route to a junction with state route number 14 in the vicinity of Plymouth: PROVIDED, That this section shall not become effective until tolls are no longer charged on this bridge and until the highway commission has entered into an agreement with the state of Oregon or a political subdivision or municipal corporation of the state of Oregon or an instrumentality thereof providing for the maintenance and operation of this bridge. [1973 1st ex.s. c 151 § 5.]

47.17.382 STATE ROUTE NO. 197. A state highway to be known as state route number 197 is established as follows:

Beginning at the Washington-Oregon boundary on the interstate bridge across the Columbia river in the vicinity of The Dalles, thence northerly by the most feasible route to a junction with state route number 14: PROVIDED, That this section shall not become effective until tolls are no longer charged on this bridge and until the highway commission has entered into an agreement with the state of Oregon or a political subdivision or municipal corporation of the state of

Oregon or an instrumentality thereof providing for the maintenance and operation of this bridge. [1973 1st ex.s. c 151 § 6.]

47.17.417 STATE ROUTE NO. 213. A state highway to be known as state route number 213 is established as follows:

Beginning at a junction with state route number 97 in the vicinity of Malott, thence northeasterly to a junction with state route number 20 southwest of Okanogan: PROVIDED, That until such time as this route is actually constructed on the location adopted by the highway commission, no county roads shall be maintained or improved by the highway commission as a temporary route. [1973 1st ex.s. c 151 § 18.]

47.17.419 STATE ROUTE NO. 215. A state highway to be known as state route number 215 is established as follows:

Beginning at a junction with state route number 20 in the vicinity of Okanogan, thence northeasterly on the west side of the Okanogan river to a junction with state route number 97 north of Omak. [1973 1st ex.s. c 151 § 19.]

47.17.502 STATE ROUTE NO. 276. A state highway to be known as state route number 276 is established as follows:

Beginning at a junction with state route number 195 west of Pullman, thence easterly and southeasterly to a junction with state route number 270 east of Pullman. [1973 1st ex.s. c 151 § 7.]

47.17.535 STATE ROUTE NO. 294. [1970 ex.s. c 51 § 108.] Repealed by 1973 1st ex.s. c 151 § 20.

47.17.610 STATE ROUTE NO. 410. A state highway to be known as state route number 410 is established as follows:

Beginning at a junction with state route number 167 at Sumner, thence in an easterly direction by way of Buckley, Enumclaw, and Chinook Pass, to a junction with state route number 12 northwest of Yakima: PROVIDED, That until such time as state route number 167 is constructed and opened to traffic on an anticipated ultimate alignment from a junction with state route number 5 near Tacoma easterly to Sumner on the north side of the Puyallup river, the public highway between state route number 5 in Tacoma and state route number 161 in Sumner, on the south side of the Puyallup river, shall remain on the state highway system. [1973 1st ex.s. c 151 § 8; 1970 ex.s. c 51 § 123.]

47.17.735 STATE ROUTE NO. 525. A state highway to be known as state route number 525 is established as follows:

Beginning at a junction with state route number 5 in the vicinity south of Everett, thence northwesterly to Mukilteo; also

Beginning at the vicinity of Columbia Beach in the southern portion of Whidbey Island, thence northwesterly to a junction with state route number 20 in the vicinity east of Keystone. [1973 1st ex.s. c 151 § 15; 1970 ex.s. c 51 § 148.]

47.17.770 STATE ROUTE NO. 536. A state highway to be known as state route number 536 is established as follows:

Beginning at a junction with state route number 20 at Fredonia, thence easterly to a junction with state route number 5 at Mt. Vernon. [1973 1st ex.s. c 151 § 16; 1970 ex.s. c 51 § 155.]

47.17.823 STATE ROUTE NO. 821. A state highway to be known as state route number 821 is established as follows:

Beginning at a junction with state route number 82 in the vicinity north of Yakima, thence northerly to a junction with state route number 82 south of Ellensburg. [1973 1st ex.s. c 151 § 9.]

Chapter 47.24

CITY STREETS AS PART OF STATE HIGHWAYS

47.24.010 DESIGNATION OF STREET AS PART OF HIGHWAY—CONSTRUCTION, MAINTENANCE—RETURN OF STREET TO CITY OR TOWN.

The state highway commission shall determine what streets, together with bridges thereon and wharves necessary for use for ferriage of motor vehicle traffic in connection with such streets, if any, in any incorporated cities and towns shall form a part of the route of state highways and between the first and fifteenth days of July of any year the state highway commission shall certify to the clerk of each city or town, by brief description, the streets, together with the bridges thereon and wharves, if any, in such city or town which are designated as forming a part of the route of any state highway; and all such streets, including curbs and gutters and street intersections and such bridges and wharves, shall thereafter be a part of the state highway system and as such shall be constructed and maintained by the state highway commission from any state funds available therefor: PROVIDED, That the responsibility for the construction and maintenance of any such street together with its appurtenances may be returned to a city or a town upon certification by the state highway commission to the state auditor and to the clerk of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: PROVIDED

FURTHER, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the state highway commission that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the state highway commission and any city or town from entering into an agreement that a city or town will accept responsibility for such a street or portion thereof at some time other than between the first and fifteenth of July of any year. [1973 c 95 § 3; 1961 c 13 § 47.24.010. Prior: 1959 c 160 § 1; 1957 c 83 § 2; 1955 c 179 § 2; 1949 c 220 § 5, part; 1945 c 250 § 1, part; 1943 c 82 § 10, part; 1937 c 187 § 61, part; Rem. Supp. 1949 § 6450-61, part.]

Chapter 47.26
DEVELOPMENT IN URBAN AREAS—URBAN
ARTERIALS

47.26.042 "PRELIMINARY PROPOSAL" DEFINED. The term "preliminary proposal" as used in this chapter means the preliminary engineering, right of way appraisal and the data collection, analysis and reporting of the environmental impact of a project. [1973 1st ex.s. c 126 § 4.]

47.26.043 "CONSTRUCTION PROJECT" DEFINED. The term "construction project" as used in this chapter shall mean all work and necessities subsequent to the preliminary proposal and through to completion. [1973 1st ex.s. c 126 § 5.]

47.26.190 APPORTIONMENT OF FUNDS IN URBAN ARTERIAL TRUST ACCOUNT AMONG REGIONS—DATE. Once each calendar quarter, the urban arterial board shall apportion funds credited to the urban arterial trust account, including the proceeds from motor vehicle fuel tax revenues, bond sales, anticipatory notes and interfund loans, which are available for the construction and improvement of urban arterials among the five regions defined in RCW 47.26.050 in the manner prescribed in RCW 47.26.060 relating to the apportionment of state urban funds except calculation of needs shall be based upon a projection of needs for the ensuing six year period as determined by the state highway commission. [1973 1st ex.s. c 126 § 2; 1971 ex.s. c 291 § 3; 1969 ex.s. c 171 § 4; 1967 ex.s. c 83 § 25.]

47.26.260 VOUCHERS FOR PAYMENT FROM URBAN ARTERIAL TRUST ACCOUNT—COMPLETION OF PRELIMINARY PROPOSAL—COMPLETION OF PROJECT—DURING WORK PROGRESS. (1) Upon completion of a preliminary proposal, the

county or city submitting said proposal shall submit to the urban arterial board its voucher for payment of the trust account share of the cost. Upon the completion of an approved urban arterial construction project, the county or city constructing the project shall submit to the urban arterial board its voucher for the payment of the trust account share of the cost. The chairman of the urban arterial board or his designated agent shall approve such voucher when proper to do so, for payment from the urban arterial trust account to the county or city submitting the voucher.

(2) The urban arterial board may adopt regulations providing for the approval of payments of funds in the urban arterial trust account to a county or city for costs of preliminary proposal, and costs of construction of an approved project from time to time as work progresses. These payments shall at no time exceed the urban arterial trust account share of the costs of construction incurred to the date of the voucher covering such payment. [1973 1st ex.s. c 126 § 1; 1967 ex.s. c 83 § 32.]

47.26.400 ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS—AUTHORIZED—AMOUNT—DECLARATION OF PURPOSE. In order to provide funds necessary to meet the urgent needs for highway construction on state highways within urban areas, there shall be issued and sold general obligation bonds of the state of Washington in the sum of two hundred million dollars or such amount thereof and at such times as determined to be necessary by the state highway commission. The amount of such bonds issued and sold under the provisions of RCW 47.26.400 through 47.26.407 in any biennium shall not exceed the amount of a specific appropriation therefor from the proceeds of such bonds, for the construction of state highways in urban areas. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the state highway commission. [1973 1st ex.s. c 169 § 1; 1967 ex.s. c 83 § 36.]

47.26.401 BONDS—TERM—TERMS AND CONDITIONS—SIGNATURES—REGISTRATION—WHERE PAYABLE—NEGOTIABLE INSTRUMENTS. Each of such bonds shall be made payable at any time not exceeding thirty years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the

state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments. [1973 1st ex.s. c 169 § 2; 1967 ex.s. c 83 § 37.]

47.26.404 BONDS—STATEMENT DESCRIBING NATURE OF OBLIGATION—PLEDGE OF EXCISE TAXES. Bonds issued under the provisions of RCW 47.26.400 through 47.26.407 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on such bonds shall be first payable in the manner provided in RCW 47.26.400 through 47.26.407 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.26.400 through 47.26.407, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.26.400 through 47.26.407. [1973 1st ex.s. c 169 § 3; 1967 ex.s. c 83 § 40.]

47.26.420 ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS—AUTHORIZED—AMOUNT—DECLARATION OF PURPOSE. In order to provide funds necessary to meet the urgent construction needs on county and city arterials within urban areas, there shall be issued and sold general obligation bonds of the state of Washington in the sum of two hundred million dollars or such amount thereof and at such times as determined to be necessary by the state highway commission. The amount of such bonds issued and sold under the provisions of RCW 47.26.420 through 47.26.427 in any biennium shall not exceed the amount of a specific appropriation therefor, from the proceeds of such bonds, for the construction of county and city arterials in urban areas. The issuance, sale and retirement of said

bonds shall be under the supervision and control of the state finance committee which, upon request being made by the state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the state highway commission. [1973 1st ex.s. c 169 § 4; 1967 ex.s. c 83 § 45.]

47.26.421 BONDS—TERM—TERMS AND CONDITIONS—SIGNATURES—REGISTRATION—WHERE PAYABLE—NEGOTIABLE INSTRUMENTS. Each of such bonds shall be made payable at any time not exceeding thirty years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments. [1973 1st ex.s. c 169 § 5; 1967 ex.s. c 83 § 46.]

47.26.424 BONDS—STATEMENT DESCRIBING NATURE OF OBLIGATION—PLEDGE OF EXCISE TAXES. Bonds issued under the provisions of RCW 47.26.420 through 47.26.427 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on such bonds shall be first payable in the manner provided in RCW 47.26.420 through 47.26.427 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.26.420 through 47.26.427, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.26.420 through 47.26.427. [1973

1st ex.s. c 169 § 6; 1967 ex.s. c 83 § 49.]

47.26.450 INCLUSION OF PORTION OF CONSTRUCTION PROGRAM FOR NEXT BIENNIAL PERIOD IN BUDGET--APPROVAL OF URBAN ARTERIAL TRUST FUNDS TO BE EXPENDED--ADDITIONAL PROJECTS. At the time the urban arterial board reviews the six-year program of each county and city each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by RCW 47.26.440, the portion of the urban arterial construction program scheduled to be performed during the biennial period beginning the following July 1st. Subject to the appropriations actually approved by the legislature, the board shall as soon as feasible approve urban arterial trust account funds to be spent during the ensuing biennium for preliminary proposals in priority sequence as established pursuant to RCW 47.26.240. The board shall authorize urban arterial trust account funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve urban arterial trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

The urban arterial board may, within the constraints of available urban arterial trust funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting local government that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the local government was developed. Such proposed projects shall be evaluated on the basis of the priority rating factors specified in RCW 47.26.220. [1973 1st ex.s. c 126 § 3; 1969 ex.s. c 171 § 6.]

Chapter 47.28

CONSTRUCTION AND MAINTENANCE OF HIGHWAYS

47.28.030 CONTRACTS--DAY LABOR--MONEY LIMITS--SMALL BUSINESSES AND MINORITY CONTRACTORS--RULES AND REGULATIONS. A state highway shall be constructed, altered, repaired, or improved by contract or day labor. The work may be done by day labor when the estimated cost thereof is less than fifteen thousand dollars: PROVIDED, When delay of performance of such work would jeopardize a state highway or constitute a danger to the traveling public, the work may be done by day labor when the estimated cost thereof is less than twenty-five thousand dollars. When the state highway commission determines to

do the work by day labor, it shall enter a resolution upon its records to that effect, stating the reasons therefor. To enable a larger number of small businesses and minority contractors to effectively compete for highway department contracts, the state highway commission may adopt rules and regulations providing for bids and award of contracts for the performance of work, or furnishing equipment, materials, supplies, or operating services whenever any work is to be performed and the engineer's estimate indicates the cost of the work would not exceed twenty-five thousand dollars. The rules and regulations adopted under this section:

(1) Shall provide for competitive bids to the extent that competitive sources are available except when delay of performance would jeopardize life or property or inconvenience the traveling public; and

(2) Need not require the furnishing of a bid deposit nor a performance bond, but in the event such a performance bond is not required then progress payments to the contractor may be required to be made based on submittal of paid invoices to substantiate proof that disbursements have been made to laborers, materialmen, mechanics and subcontractors from the previous partial payment; and

(3) May establish prequalification standards and procedures as an alternative to those set forth in RCW 47.28.070, but the prequalification standards and procedures under RCW 47.28.070 shall always be sufficient. [1973 c 116 § 1; 1971 ex.s. c 78 § 1; 1969 ex.s. c 180 § 2; 1967 ex.s. c 145 § 40; 1961 c 233 § 1; 1961 c 13 § 47.28.030. Prior: 1953 c 29 § 1; 1949 c 70 § 1, part; 1943 c 132 § 1, part; 1937 c 53 § 41, part; Rem. Supp. 1949 § 6400-41, part.]

47.28.050 CALL FOR BIDS. Except as may be provided by rules and regulations adopted under RCW 47.28.030 as now or hereafter amended the Washington state highway commission shall publish a call for bids for the construction of the highway according to the maps, plans, and specifications, once a week for at least two consecutive weeks, next preceding the day set for receiving and opening the bids, in not less than one trade paper and one other paper, both of general circulation in the state. The call shall state the time, place, and date for receiving and opening the bids, give a brief description of the location and extent of the work, and contain such special provisions or specifications as the commission deems necessary: PROVIDED, That when the estimated cost of any contract to be awarded is less than twenty-five thousand dollars, the call for bids need only be published in one paper of general circulation in the county where the major part of the work is to be performed: PROVIDED FURTHER, That when the estimated cost of a contract to be awarded is seven thousand

five hundred dollars or less, including the cost of materials, supplies, engineering, and equipment, the state highway commission need not publish a call for bids. [1973 c 116 § 2; 1969 ex.s. c 180 § 1; 1961 c 13 § 47.28.050. Prior: 1959 c 319 § 33; 1955 c 147 § 1; 1937 c 53 § 33; RRS § 6400-33.]

Chapter 47.39

SCENIC AND RECREATIONAL HIGHWAY ACT OF 1967

47.39.020 DESIGNATION OF PORTIONS OF EXISTING HIGHWAYS AS PART OF SYSTEM. The following portions of highways are designated as part of the scenic and recreational highway system:

(1) State route number 2, beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin;

(2) State route number 3, beginning at a junction with state route number 106 in the vicinity of Belfair, thence in a northeasterly direction to a junction with Arsenal Way south of Bremerton; also

Beginning at a junction of Carr Boulevard north of Bremerton thence northeasterly to a junction with state route number 104 in the vicinity of Port Gamble;

(3) State route number 8, beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly to a junction with state route number 101 near Tumwater;

(4) State route number 10, beginning at Teanaway junction, thence easterly to a junction with state route number 131 west of Ellensburg;

(5) State route number 12, beginning at a junction with a county road approximately 2.8 miles west of the crossing of the Wynooche river which is approximately 1.2 miles west of Montesano, thence in an easterly direction to a junction with state route number 8 in the vicinity of Elma; also

Beginning at the Burlington Northern Railroad bridge approximately 3.4 miles west of Dixie, thence in a northerly and easterly direction by way of Dayton, Dodge, and Pomeroy to a junction with a county road approximately 2.4 miles west of a junction with state route number 129 at Clarkston;

(6) State route number 14, beginning at the crossing of Gibbons creek approximately 0.9 miles east of Washougal, thence in an easterly direction by way of Stevenson to a westerly junction with state route number 97 in the vicinity of Maryhill; also

Beginning at the easterly junction with state route number 97 in the vicinity of Maryhill, thence easterly along the north bank of the Columbia river to a point in the vicinity of Plymouth;

(7) State route number 17, beginning at a junction with state route number 395 in the vicinity of Eltopia, thence in a northwesterly direction to the south end of the overcrossing of state route number 90, in the vicinity of Moses Lake; also

Beginning at a junction with Grape Drive in the vicinity of Moses Lake, thence northwesterly and northerly by way of Soap Lake to a junction with state route number 2 west of Coulee City;

(8) State route number 20, beginning at the Keystone ferry slip on Whidbey Island, thence easterly and northerly to a junction with Rhododendron road in the vicinity east of Coupeville; also

Beginning at a junction with Sherman road in the vicinity west of Coupeville, generally northerly to a junction with Miller road in the vicinity southwest of Oak Harbor; also

Beginning at a junction with Torpedo road in the vicinity northeast of Oak Harbor, thence northerly by way of Deception Pass to a junction with state route number 20 north in the vicinity southeast of Anacortes; also

Beginning at the crossing of Hanson creek approximately 6.0 miles west of Lyman, thence easterly by way of Concrete, Marblemount, Diablo Dam, and Twisp to a junction with state route number 153 southeast of Twisp; also

Beginning at a junction with state route number 21 approximately three miles east of Republic, thence in an easterly direction to a junction with state route number 395 at the west end of the crossing over the Columbia river at Kettle Falls; also

Beginning at a junction with a county road 2.76 miles east of the junction with state route number 395 in Colville, thence in a northeasterly direction to a junction with state route number 31 at Tiger; thence in a southerly direction to a junction with state route number 2 at Newport;

(9) State route number 21, beginning at the Keller ferry slip on the north side of Roosevelt lake, thence in a northerly direction to the crossing of Granite creek approximately fifty-four miles north of the Keller ferry;

(10) State route number 90, beginning at the CMSTPP railroad overcrossing approximately 2.3 miles southeast of North Bend, thence in an easterly direction by way of Snoqualmie pass to the crossing of the Cle Elum river approximately 2.6 miles west of Cle Elum;

(11) State route number 97, beginning at the crossing of the Columbia river at Biggs Rapids, thence in a northerly direction to the westerly junction with state route number 14 in the vicinity of Maryhill;

(12) State route number 101, beginning at a junction with state route number 109 in the vicinity of Queets, thence in a northerly, northeasterly, and easterly direction by way of Forks to the west

boundary of the Olympic national park in the vicinity of Lake Crescent; also

Beginning at Sequim Bay state park, thence in a southeasterly and southerly direction to a junction with the Airport road north of Shelton; also

Beginning at a junction with a county road 2.64 miles south of the junction with state route number 3 in Shelton, thence in a southerly and southeasterly direction to the west end of the Black Lake road overcrossing in the vicinity northeast of Tumwater;

(13) State route number 104, beginning at a junction with state route number 101 in the vicinity south of Discovery bay, thence in a southeasterly direction to the vicinity of Shine on Hood Canal; also

Beginning at a junction with state route number 3 east of the Hood Canal crossing, thence northeasterly to Port Gamble;

(14) State route number 105, beginning at a junction with state route number 101 at Raymond, thence westerly and northerly by way of Tokeland and North Cove to the shore of Grays Harbor north of Westport; also

Beginning at a junction with state route number 105 in the vicinity south of Westport, thence northeasterly to a junction with state route number 101 at Aberdeen;

(15) State route number 106, beginning at a junction with state route number 101 in the vicinity of Union, thence northeasterly to a junction with state route number 3 in the vicinity of Belfair;

(16) State route number 109, beginning at a junction with a county road approximately 3.0 miles northwest of the junction with state route number 101 in Hoguam, thence in a northwesterly direction by way of Ocean City, Copalis, Pacific Beach, and Moclips to a junction with state route number 101 in the vicinity of Queets;

(17) State route number 112, beginning at the easterly boundary of the Makah Indian reservation, thence in an easterly direction to the vicinity of Laird's corner on state route number 101;

(18) State route number 126, beginning at a junction with state route number 12 in the vicinity of Dayton, thence in a northeasterly direction to a junction with state route number 12 in the vicinity west of Pomeroy;

(19) State route number 153, beginning at a junction with state route number 97 in the vicinity of Pateros, thence in a northerly direction to a junction with state route number 20 in the vicinity south of Twisp;

(20) State route number 155, beginning at a junction with state route number 2 in the vicinity north of Coulee City, thence in a northeasterly direction to the boundary of the federal reservation at the Grand Coulee dam; also

Beginning at a junction with a county road 2.07 miles north of the junction with 12th street in Elmer City, thence in a

northwesterly direction to the west end of the crossing of Omak creek east of Omak;

(21) State route number 206, Mt. Spokane Park Drive, beginning at a junction with state route number 2 near the north line of section 3, township 26 N, range 43 E, thence northeasterly to a point in section 28, township 28 N, range 45 E at the entrance to Mt. Spokane state park;

(22) State route number 395, beginning at a point approximately 2.6 miles north of Pasco thence in a northerly direction to a junction with state route number 17 in the vicinity of Eltopia; also

Beginning at the north end of the crossing of Mill creek in the vicinity of Colville, thence in a northwesterly direction to a junction with state route number 30 at the west end of the crossing over the Columbia river at Kettle Falls;

(23) State route number 401, beginning at a junction with state route number 101 at Point Ellice, thence easterly and northerly to a junction with state route number 4 in the vicinity north of Naselle;

(24) State route number 504, beginning at a junction with state route number 5 in the vicinity north of Castle Rock, thence in an easterly direction by way of St. Helens and Spirit lake to Mt. St. Helens;

(25) State route number 525, beginning at a junction with Maxwellton road in the southern portion of Whidbey Island, thence northwesterly to a junction with state route number 20 east of the Keystone ferry slip;

(26) State route number 542, beginning at the Nugent crossing over the Nooksack river approximately 7.7 miles northeast of Bellingham, thence easterly to the vicinity of Austin pass in Whatcom county;

(27) State route number 821, beginning at a junction with state route number 82 at the Yakima firing center interchange, thence in a northerly direction to a junction with state route number 82 at the Thrall road interchange. [1973 1st ex.s. c 151 § 10; 1971 ex.s. c 73 § 29; 1970 ex.s. c 51 § 177; 1969 ex.s. c 281 § 6; 1967 ex.s. c 85 § 2.]

Chapter 47.56

STATE TOLL BRIDGES, TUNNELS AND FERRIES

47.56.050 PURCHASE OF BRIDGES AND FERRIES AUTHORIZED—PROVISIONS APPLICABLE.

(1) The Washington toll bridge authority, whenever it is considered necessary or advantageous and practicable, is empowered to provide for the acquisition by purchase of, and to acquire by purchase, (a) any bridge or bridges or ferries which connect with or may be connected with the public highways of this state, and (b) together with approaches thereto.

(2) In connection with the acquisition by purchase of any bridge or bridges or ferries pursuant to the provisions of subsection (1) of this section, the

Washington toll bridge authority, the state highway commission, the state treasurer, any city, county or other political subdivision of this state, and all said officers—

(a) are empowered and required to do all acts and things as in this chapter provided for the establishing and constructing of toll bridges and operating, financing and maintaining such bridges insofar as such powers and requirements are applicable to the purchase of any bridge or bridges or ferries and their operation, financing and maintenance; and

(b) in purchasing, operating, financing and maintaining any bridge or bridges or ferries acquired or to be acquired by purchase pursuant to the provisions of this section, shall act in the same manner and under the same procedures as are provided in this chapter for the establishing, constructing, operating, financing and maintaining of toll bridges insofar as such manner and procedure are applicable to the purchase of any bridge or bridges or ferries and their operation, financing and maintenance.

(3) Without limiting the generality of the provisions contained in subsections (1) and (2) hereof, the Washington toll bridge authority is empowered (a) to cause surveys to be made for the purpose of investigating the propriety of acquiring by purchase any such bridge or bridges or ferries and the right of way necessary or proper for said bridge or bridges or ferries, and other facilities necessary to carry out the provisions of this chapter; (b) to issue, sell and redeem bonds and to deposit and pay out the proceeds of said bonds for the financing thereof; (c) to collect, deposit, and expend toll therefrom; (d) to secure and remit financial and other assistance in the purchase thereof; and (e) to carry insurance thereon.

(4) The provisions of RCW 47.56.220 shall apply when any such bridge or bridges or ferries are acquired by purchase pursuant to this section. [1973 c 106 § 25; 1961 c 13 § 47.56.050. Prior: 1945 c 266 § 1; Rem. Supp. 1945 § 6524-3a.]

47.56.180 TOLL BRIDGES—PAYMENTS MADE BY WARRANTS ON VOUCHERS—INTEREST ON DEPOSITS. Warrants for payments to be made on account of such bonds shall be duly drawn by the state treasurer on vouchers approved by the Washington toll bridge authority.

Moneys required to meet the costs of construction and all expenses and costs incidental to the construction of any particular toll bridge or toll bridges or to meet the costs of operating, maintaining and repairing the same, shall be paid from the proper fund therefor by the state treasurer upon voucher submitted by the highway commission approved by the Washington toll bridge authority.

All interest received or earned on money deposited in each and every fund herein provided for shall be credited to and become a part of the particular fund upon which said interest accrues. [1973 c 106 § 26; 1961 c 13 § 47.56.180. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

47.56.254 SALE OF UNNEEDED PROPERTY—AUTHORIZED—RULES. If the authority determines that any real property (including lands, improvements thereon, and any interests or estates) held by the authority is no longer required for purposes of the authority, the authority shall offer it for sale as authorized by RCW 47.56.252 or in the manner and with the authority authorized to the state highway commission by RCW 47.12.280. The authority may adopt rules further implementing this section as granted to the highway commission by RCW 47.12.280. [1973 1st ex.s. c 177 § 3; 1961 c 257 § 3.]

47.56.255 SALE OF UNNEEDED PROPERTY—CERTIFICATION TO GOVERNOR—EXECUTION, DELIVERY OF DEED. When full payment for real property agreed to be sold as authorized by RCW 47.56.254 has been received the authority may certify this fact to the governor, with a description of the land and terms of the sale and the governor may execute and the secretary of state shall attest the deed and deliver it to the grantee. [1973 1st ex.s. c 177 § 4; 1961 c 257 § 4.]

47.56.370 LONGVIEW BRIDGE—AGREEMENTS WITH OREGON. [1961 c 13 § 47.56.370. Prior: 1953 c 272 § 1.] Repealed by 1973 1st ex.s. c 151 § 20.

47.56.371 LONGVIEW BRIDGE TO BECOME TOLL FREE—MAINTENANCE OF WASHINGTON PORTION AND APPROACHES. [1965 ex.s. c 170 § 10.] Repealed by 1973 1st ex.s. c 151 § 20.

47.56.372 LONGVIEW BRIDGE TO BECOME TOLL FREE—MAINTENANCE OF PORTION LYING WITHIN BOUNDARIES OF OREGON. [1965 ex.s. c 170 § 11.] Repealed by 1973 1st ex.s. c 151 § 20.

47.56.720 PUGET ISLAND—WESTPORT FERRY—PAYMENTS FOR OPERATION AND MAINTENANCE TO WAHAKIYAKUM COUNTY. (1) The legislature finds that the ferry operated by Wahkiakum county between Puget Island and Westport on the Columbia river provides service which is primarily local in nature with secondary benefits to the state highway system in providing a bypass for state route 4 and providing the only crossing of the Columbia river between the

Astoria-Megler bridge and the Longview bridge.

(2) The Washington state highway commission is hereby authorized to enter into a continuing agreement with Wahkiakum county pursuant to which the state highway commission shall pay to Wahkiakum county from moneys appropriated for such purpose the sum of one thousand dollars per month to be used in the operation and maintenance of the Puget Island ferry, commencing July 1, 1971: PROVIDED, That from October 1, 1973 through June 30, 1975 the state highway commission shall pay Wahkiakum county one thousand one hundred forty-two dollars and eighty-six cents per month.

Additionally, the Washington state highway commission is authorized to include in the continuing agreement a provision to reimburse Wahkiakum county for sixty percent of the deficit incurred during each previous fiscal year in the operation and maintenance of the ferry, commencing with the fiscal year ending June 30, 1972. The state's sixty percent share of the annual operating and maintenance deficit shall include the one thousand dollars per month authorized in this subsection and the one thousand one hundred forty-two dollars and eighty-six cents per month authorized to be paid from October 1, 1973 through June 30, 1975.

(3) The annual deficit, if any, incurred in the operation and maintenance of the ferry shall be determined by Wahkiakum county subject to the approval of the Washington state highway commission. If sixty percent of the deficit for the preceding fiscal year exceeds the total amount paid to the county for that year, the additional amount shall be paid to the county by the Washington state highway commission upon the receipt of a properly executed voucher: PROVIDED, That the total of all payments to the county in any biennium shall not exceed the amount appropriated for that biennium. [1973 2nd ex.s. c 26 § 1; 1971 ex.s. c 254 § 1.]

Effective date—1973 2nd ex.s. c 26:
 "This 1973 amendatory 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 October 1, 1973." [1973 2nd ex.s. c 26 § 3.]

Chapter 47.58
 EXISTING AND ADDITIONAL BRIDGES

47.58.040 REVENUE BONDS—FORM—SALE—INTERIM BONDS—DEPOSIT OF PROCEEDS. For the purpose of paying the cost of all or any part of such improvement and reconstruction work and the construction of any such additional bridge, approaches thereto and connecting highways, the authority is hereby authorized by resolution to issue

its revenue bonds which shall constitute obligations only of the authority and shall be payable from any funds available, except that portion of the motor vehicle fund allocated by law to the Washington state highway commission, and except revenue from the general fund, including but not limited to the revenues and income from the operation of the bridge or bridges constituting the project as may be provided in and by such resolution. Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that such bond does not constitute an indebtedness of the state of Washington. Such revenue bonds may bear such date or dates, may mature at such time or times as the authority shall determine, may bear interest at such rate or rates, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this chapter as may be provided in such resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is nonnegotiable each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the state treasurer and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state treasurer: PROVIDED, That the countersignature of the governor on such bonds and the signature of the state treasurer on such coupons may be their printed or lithographed facsimile signatures. Pending the issuance of definitive bonds, temporary or interim bonds, certificates or receipts of any denomination and with or without coupons attached may be issued as may be provided by said resolution. All bonds issued under or by authority of this chapter shall be sold to the highest and best bidder at such price or prices, at such rate or rates of interest and after such advertising for bids as the authority may deem proper: PROVIDED, That the authority may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the authority may deem advantageous. The purchase price of all bonds issued hereunder shall be paid to the state treasurer consistent with the provisions of the resolution pursuant to which such bonds have been issued or to the trustee designated in the bond resolution and held as a separate trust fund to be disbursed on the orders of the authority. [1973 c 106 § 27; 1970 ex.s. c 56 § 64; 1969 ex.s. c 232 § 78; 1961 c 102 § 1; 1961 c 13 § 47.58.040. Prior: 1955 c 208 § 4.]

Chapter 47.60
PUGET SOUND FERRY AND TOLL BRIDGE SYSTEM

47.60.060 REVENUE BONDS AUTHORIZED—ISSUANCE—CONDITIONS—NEGOTIABILITY—INTERIM BONDS. For the purpose of paying the cost of acquiring by lease, charter, contract, purchase, condemnation or construction all or any part of such Puget Sound ferry system, including toll bridges, approaches and roadways incidental thereto, and for rehabilitating, rebuilding, enlarging or improving all or any part of said system, the authority is hereby authorized by resolution to issue its revenue bonds which shall constitute obligations only of the authority and shall be payable solely and only from all or such part of the revenues from the operation of the system as may be provided in and by such resolution.

Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that such bond does not constitute an indebtedness of the state of Washington.

The authority is hereby empowered to include in any resolution authorizing the issuance of the bonds such covenants, stipulations and conditions as may be deemed necessary with respect to the continued use and application of the income and revenues from the undertaking.

Such revenue bonds may bear such date or dates, may mature at such time or times as the authority shall determine, may bear interest at such rate or rates, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this chapter as may be provided in such resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is nonnegotiable each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the state treasurer and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state treasurer: PROVIDED, That the countersignature of the governor on such bonds and the signature of the state treasurer on such coupons may be their printed or lithographed facsimile signatures.

Pending the issuance of definitive bonds, temporary or interim bonds, certificates or receipts of any denomination and with or without coupons attached may be

issued as may be provided by said resolution. [1973 c 106 § 28; 1970 ex.s. c 56 § 65; 1969 ex.s. c 232 § 34; 1961 c 13 § 47.60.060. Prior: 1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]

47.60.130 UNIT OR COMBINED OPERATION—CONTINUOUS PROJECT—RENTAL, CHARTER, LEASE, OF SYSTEM PROPERTY—SALE OF UNNEEDED PROPERTY. Such ferry system, including any toll bridges, approaches, and roadways incidental thereto, may be financed and operated in combination or separately as one or more units as the authority may determine, and such ferry system together with any toll bridge hereafter constructed by the authority upon or across the waters of Puget Sound or Hood Canal, or any part of either, replacing one or more presently operated ferry routes, is declared to be a continuous project within the meaning of RCW 47.56.070. The authority is empowered to rent, lease, or charter any property acquired under this chapter. If the authority determines that any real property (including lands, improvements thereon, and any interests or estates) held by the authority is no longer required for the purposes of the ferry system, the authority shall offer it for sale in the manner and with the authority authorized to the state highway commission by RCW 47.12.280. The authority may adopt rules further implementing this section as granted to the highway commission by RCW 47.12.280. The proceeds of all such sales shall be paid into the separate trust fund of the state treasury established pursuant to RCW 47.60.150. [1973 1st ex.s. c 177 § 5; 1961 c 13 § 47.60.130. Prior: 1955 c 22 § 1; 1953 c 32 § 1; 1949 c 179 § 3, part; Rem. Supp. 1949 § 6584-32, part.]

Chapter 47.64
MARINE EMPLOYEE COMMISSION

47.64.050 UNEMPLOYMENT COMPENSATION. [1961 c 13 § 47.64.050. Prior: 1951 c 82 § 1; 1949 c 148 § 4; Rem. Supp. 1949 § 6524-25.] Repealed by 1973 1st ex.s. c 158 § 20.

Effective date—1973 1st ex.s. c 158:
See note following RCW 50.08.020.

TITLE 48
INSURANCE

Sections added, amended, or repealed:

Chapter 48.04 Hearings and Appeals.

48.04.040 Notice of hearing.
48.04.090 Order on hearing.

Chapter 48.05 Insurers—General Requirements.

48.05.140 Certificate of authority—Discretionary refusal, revocation, suspension.

Chapter 48.12 Assets and Liabilities.

48.12.030 Liabilities.
48.12.040 Unearned premium reserve, property, casualty, and surety insurance.
48.12.060 Reserve—Disability insurance.
48.12.150 Standard valuation law—Life insurance.
48.12.180 Valuation of stocks.

Chapter 48.13 Investments.

48.13.010 Scope of chapter—Eligible investments.
48.13.160 Real property owned—Home office building.
48.13.220 Common stocks—Investment—Acquisition—Engaging in certain businesses.
48.13.290 Disposal of ineligible property or securities.

Chapter 48.17 Agents, Brokers, Solicitors, and Adjusters.

48.17.330 Nonresident agents and brokers—Reciprocity.
48.17.530 Refusal, suspension, revocation of licenses.
48.17.540 Procedure to suspend, revoke or refuse—Effect of conviction of felony.

Chapter 48.18 The Insurance Contract.

48.18.020 Power to contract.
48.18.030 Insurable interest—Personal insurances.
48.18.292 Refusal to renew private automobile insurance by insurer.
48.18.298 Disability insurance—Refusal to renew by insurer.
48.18.299 Disability insurance—Cancellation by insurer.
48.18.375 Assignment of interests under group insurance policy.
48.18.380 Minor may give acquittance—Life insurance.

Chapter 48.18A Variable Contract Act.

48.18A.020 Separate accounts authorized—Allocations—Benefits—Limitations—Valuation—Sale, transfer or exchange of assets.
48.18A.030 Statements required in contracts—Payment on death, incidental benefit provision.
48.18A.050 Applicability of other code provisions—Contract requirements.
48.18A.060 Licensing requirement.

Chapter 48.20 Disability Insurance.

48.20.052 Standard provision No. 2—Time limit on certain defenses.

48.20.411 Benefits for services performed by registered nurses.

Chapter 48.21 Group and Blanket Disability Insurance.

48.21.141 Benefits performed by registered nurses.

Chapter 48.23 Life Insurance and Annuities.

48.23.350 Standard nonforfeiture law—Life insurance.
48.23.360 Calculation of nonforfeiture benefits under annuities.

Chapter 48.24 Group Life and Annuities.

48.24.010 Group requirements must be met.
48.24.060 Public employee associations.
48.24.070 Trustee groups.

Chapter 48.30 Unfair Practices and Frauds.

48.30.010 Unfair practices in general.

Chapter 48.31 Mergers, Rehabilitation, Liquidation.

48.31.010 Merger or consolidation.

Chapter 48.36 Fraternal.

48.36.230 Annual reports—Valuation of certificates.
48.36.360 Valuation—Modification of contributions—Returns.
48.36.440 Application of chapter 48.18A RCW.

Chapter 48.44 Health Care Services.

48.44.020 Agreement for services—Submission of contract forms to commissioner—Grounds for disapproval.
48.44.160 Revocation, suspension, refusal of registration—Notice and hearing required—Cease and desist orders, injunctive action—Grounds.
48.44.162 Revocation, suspension, refusal of agent's license—Grounds.
48.44.230 Individual health service plan contract—Return within ten days of purpose—Void ab initio.

Cross References:

Liability insurance for officials and employees
cities: RCW 35.21.205.
fire districts: RCW 52.08.090.
irrigation districts: RCW 87.03.162.
port districts: RCW 53.08.205.
public utility districts: RCW 54.16.095.
school districts: RCW 28A.58.423.
sewer districts: RCW 56.08.105.
towns: RCW 35.21.205.

water districts: RCW 57.08.105.

Chapter 48.04
HEARINGS AND APPEALS

48.04.040 NOTICE OF HEARING. [1967 c 237 § 17; 1947 c 79 § .04.04; Rem. Supp. 1947 § 45.04.04.] Repealed by 1973 1st ex.s. c 107 § 4.

48.04.090 ORDER ON HEARING. [1967 c 237 § 18; 1947 c 79 § .04.09; Rem. Supp. 1947 § 45.04.09.] Repealed by 1973 1st ex.s. c 107 § 4.

Chapter 48.05
INSURERS—GENERAL REQUIREMENTS

48.05.140 CERTIFICATE OF AUTHORITY—DISCRETIONARY REFUSAL, REVOCATION, SUSPENSION. The commissioner may refuse, suspend, or revoke an insurer's certificate of authority, in addition to other grounds therefor in this code, if the insurer:

(1) Fails to comply with any provision of this code other than those for violation of which refusal, suspension, or revocation is mandatory, or fails to comply with any proper order or regulation of the commissioner.

(2) Is found by the commissioner to be in such condition that its further transaction of insurance in this state would be hazardous to policyholders and the people in this state.

(3) Refuses to remove or discharge a director or officer who has been convicted of any crime involving fraud, dishonesty, or like moral turpitude.

(4) Usually compels claimants under policies either to accept less than the amount due them or to bring suit against it to secure full payment of the amount due.

(5) Is affiliated with and under the same general management, or interlocking directorate, or ownership as another insurer which transacts insurance in this state without having a certificate of authority therefor, except as is permitted by this code.

(6) Refuses to be examined, or if its directors, officers, employees or representatives refuse to submit to examination or to produce its accounts, records, and files for examination by the commissioner when required, or refuse to perform any legal obligation relative to the examination.

(7) Fails to pay any final judgment rendered against it in this state upon any policy, bond, recognizance, or undertaking issued or guaranteed by it, within thirty days after the judgment became final or within thirty days after time for taking an appeal has expired, or within thirty days after dismissal of an appeal before

final determination, whichever date is the later.

(8) Is found by the commissioner, after investigation or upon receipt of reliable information, to be managed by persons, whether by its directors, officers, or by any other means, who are incompetent or untrustworthy or so lacking in insurance company managerial experience as to make a proposed operation hazardous to the insurance-buying public; or that there is good reason to believe it is affiliated directly or indirectly through ownership, control, reinsurance or other insurance or business relations, with any person or persons whose business operations are or have been marked, to the detriment of policyholders or stockholders or investors or creditors or of the public, by bad faith or by manipulation of assets, or of accounts, or of reinsurance.

(9) Does business through agents or brokers in this state or in any other state who are not properly licensed under applicable laws and duly enacted regulations adopted pursuant thereto. [1973 1st ex.s. c 152 § 1; 1969 ex.s. c 241 § 3; 1967 c 150 § 4; 1947 c 79 § .05.14; Rem. Supp. 1947 § 45.04.14.]

Severability—1973 1st ex.s. c 152: "If any provision of this 1973 amendatory 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." [1973 1st ex.s. c 152 § 7.]

Chapter 48.12
ASSETS AND LIABILITIES

48.12.030 LIABILITIES. In any determination of the financial condition of an insurer, liabilities to be charged against its assets shall include:

(1) The amount of its capital stock outstanding, if any; and

(2) The amount, estimated consistent with the provisions of this chapter, necessary to pay all of its unpaid losses and claims incurred on or prior to the date of statement, whether reported or unreported, together with the expense of adjustment or settlement thereof; and

(3) With reference to life and disability insurance, and annuity contracts,
(a) the amount of reserves on life insurance policies and annuity contracts in force (including disability benefits for both active and disabled lives, and accidental death benefits, in or supplementary thereto) and disability insurance, valued according to the tables of mortality, tables of morbidity, rates of interest, and methods adopted pursuant to this chapter which are applicable thereto; and

(b) any additional reserves which may be required by the commissioner, consistent with practice formulated or approved

by the National Association of Insurance Commissioners, on account of such insurances; and

(4) With reference to insurances other than those specified in subdivision (3) of this section, and other than title insurance, the amount of reserves equal to the unearned portions of the gross premiums charged on policies in force, computed in accordance with this chapter; and

(5) Taxes, expenses, and other obligations accrued at the date of the statement; and

(6) Any additional reserve set up by the insurer for a specific liability purpose or required by the commissioner consistent with practices adopted or approved by the National Association of Insurance Commissioners. [1973 1st ex.s. c 162 § 1; 1947 c 79 § .12.03; Rem. Supp. 1947 § 45.12.03.]

48.12.040 UNEARNED PREMIUM RESERVE, PROPERTY, CASUALTY, AND SURETY INSURANCE.

(1) With reference to insurances against loss or damage to property, except as provided in RCW 48.12.050, and with reference to all general casualty insurances, and surety insurances, every insurer shall maintain an unearned premium reserve on all policies in force.

(2) The commissioner may require that such reserve shall be equal to the unearned portions of the gross premiums in force after deducting authorized reinsurance, as computed on each respective risk from the policy's date of issue. If the commissioner does not so require, the portions of the gross premiums in force, less authorized reinsurance, to be held as a premium reserve, shall be computed according to the following table:

Term for which policy was written	Reserve for unearned premium
One year, or less.....	1/2
Two years.....	First year 3/4
	Second year 1/4
Three years.....	First year 5/6
	Second year 1/2
	Third year 1/6
Four years.....	First year 7/8
	Second year 5/8
	Third year 3/8
	Fourth year 1/8
Five years.....	First year 9/10
	Second year 7/10
	Third year 1/2
	Fourth year 3/10
	Fifth year 1/10
Over five years.....	Pro rata

(3) In lieu of computation according to such table, all of such reserves may be computed, at the insurer's option, on a monthly pro rata basis.

(4) After adopting any one of the methods for computing such reserve an insurer shall not change methods without the commissioner's approval. [1973 1st ex.s.

c 162 § 2; 1947 c 79 § .12.04; Rem. Supp. 1947 § 45.12.04.]

48.12.060 RESERVE—DISABILITY INSURANCE. For all disability insurance policies the insurer shall maintain an active life reserve which shall place a sound value on its liabilities under such policies and be not less than the reserve according to appropriate standards set forth in regulations issued by the commissioner and, in no event, less in the aggregate than the pro rata gross unearned premiums for such policies. [1973 1st ex.s. c 162 § 3; 1947 c 79 § .12.06; Rem. Supp. 1947 § 45.12.06.]

48.12.150 STANDARD VALUATION LAW—LIFE INSURANCE. (1) This section shall be known as the standard valuation law.

(2) Annual valuation: The commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurer doing business in this state, except that in the case of an alien insurer such valuation shall be limited to its insurance transactions in the United States, and may certify the amount of any such reserves, specifying the mortality table or tables, rate or rates of interest and methods (net level premium method or others) used in the calculation of such reserves. In calculating such reserves, the commissioner may use group methods and approximate averages for fractions of a year or otherwise. He may accept, in his discretion, the insurer's calculation of such reserves. In lieu of the valuation of the reserves herein required of any foreign or alien insurer, he may accept any valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when such valuation complies with the minimum standard herein provided and if the official of such state or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the commissioner when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction.

(3) Minimum valuation standard:

(a) The minimum standard for the valuation of all such policies and contracts issued prior to the operative date of RCW 48.23.350 shall be as follows:

For policies issued prior to the operative date no standard of valuation for ordinary policies, whether on the net level premium, preliminary term, or select and ultimate reserve basis, shall be less than that determined upon such basis according to the American Experience Table

of Mortality with three and one-half percent interest; except, that when the preliminary term basis is used it shall not exceed one year. The commissioner may vary the standard of valuation in particular cases of invalid lives and other extra hazards, provided, that the interest rate used is not greater than three and one-half percent.

Except as otherwise provided in subsection (3) (b) (ii) of this section the legal minimum standard for the valuation of annuities issued on or after January 1, 1912, and prior to the operative date of RCW 48.23.350, shall be McClintock's Table of Mortality Among Annuitants, with interest at three and one-half percent per annum, but annuities deferred ten or more years and written in connection with life or term insurance may be valued on the same mortality table from which the consideration or premiums were computed, with interest not higher than three and one-half percent per annum.

The legal minimum standard for the valuation of industrial policies issued on or after the first day of January, 1912, and prior to the operative date of RCW 48.23-.350, shall be the American Experience Table of Mortality with interest at three and one-half percent per annum; except, that any life insurer may voluntarily value such industrial policies according to the Standard Industrial Mortality Table or the Substandard Industrial Mortality Table.

The legal minimum standard for the valuation of group life insurance policies under which premium rates are not guaranteed for a period in excess of five years shall be, at the option of the life insurer issuing such policies, either the American Men Ultimate Table of Mortality, the Commissioners 1941 Standard Ordinary Mortality Table, or any other table approved by the commissioner, with interest at three and one-half percent per annum.

(b) (i) Except as otherwise provided in subsection (3) (b) (ii) of this section the minimum standard for the valuation of all such policies and contracts issued on or after the operative date of RCW 48.23-.350 shall be the Commissioners Reserve Valuation Method defined in subsection (4) of this section, three and one-half percent interest or in the case of policies and contracts, other than annuity and pure endowment contracts, issued on or after July 16, 1973, four percent interest, and the following tables:

(A) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies,—the Commissioners 1941 Standard Ordinary Mortality Table for such policies issued prior to the operative date of RCW 48.23-.350 (5a), and the Commissioners 1958 Standard Ordinary Mortality Table for such policies issued on or after such operative date: PROVIDED, That for any category of such policies issued on female risks on or

after July 1, 1957, modified net premiums and present values, referred to in subsection (4) of this section, may be calculated according to an age not more than three years younger than the actual age of the insured.

(B) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies,—the 1941 Standard Industrial Mortality Table for such policies issued prior to the operative date of RCW 48.23.350 (5b), and the Commissioners 1961 Standard Industrial Mortality Table for such policies issued on or after such operative date.

(C) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies,—the 1937 Standard Annuity Mortality Table or, at the option of the insurer, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner.

(D) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies,—the Group Annuity Mortality Table for 1951, any modification of such table approved by the commissioner, or, at the option of the insurer, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts.

(E) For total and permanent disability benefits in or supplementary to ordinary policies or contracts,—for policies or contracts issued on or after January 1, 1966, the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit; for policies or contracts issued on or after January 1, 1961, and prior to January 1, 1966, either such tables or, at the option of the insurer, the Class (3) Disability Table (1926); and for policies issued prior to January 1, 1961, the Class (3) Disability Table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(F) For accidental death benefits in or supplementary to policies,—for policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table; for policies issued on or after January 1, 1961, and prior to January 1, 1966, either such table or, at the option of the insurer, the Inter-Company Double Indemnity Mortality Table; and for policies issued prior to January 1, 1961, the Inter-Company Double Indemnity Mortality Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(G) For group life insurance, life insurance issued on the substandard basis

and other special benefits,—such tables as may be approved by the commissioner.

(ii) The minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after the operative date of this subsection and for all annuities and pure endowments purchased on or after such operative date under group annuity and pure endowment contracts, shall be the commissioners reserve valuation method defined in subsection (4) of this section and the following tables and interest rates:

(A) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the commissioner, and six percent interest for single premium immediate annuity contracts, and four percent interest for all other individual annuity and pure endowment contracts.

(B) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such contracts the 1971 Group Mortality Table, or any modification of this table approved by the commissioner, and six percent interest.

After July 16, 1973 any insurer may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date before January 1, 1979, which shall be the operative date of this subsection for such insurer, provided that an insurer may elect a different operative date for individual annuity and pure endowment contracts from that elected for group annuity and pure endowment contracts. If an insurer makes no such election, the operative date of this subsection for such insurer shall be January 1, 1979.

(4) Commissioners Reserve Valuation Method: Reserves according to the Commissioners Reserve Valuation Method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits (excluding extra premiums on a substandard policy) that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of (a) over (b) as follows:

(a) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the

first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, however, that such net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy.

(b) A net one-year term premium for such benefits provided for in the first policy year.

Reserves according to the Commissioners Reserve Valuation Method for (1) life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums, (2) annuity and pure endowment contracts, (3) disability and accidental death benefits in all policies and contracts, and (4) all other benefits, except life insurance and endowment benefits in life insurance policies, shall be calculated by a method consistent with the principles of this subsection.

(5) Minimum aggregate reserves: In no event shall an insurer's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, issued on or after the operative date of RCW 48.23.350, be less than the aggregate reserves calculated in accordance with the method set forth in subsection (4) and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for such policies.

(6) Optional reserve bases: Reserves for all policies and contracts issued prior to the operative date of RCW 48.23.350 may be calculated, at the option of the insurer, according to any standards which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by the laws in effect immediately prior to such date.

For any category of policies, contracts or benefits specified in subsection (3) of this section, issued on or after the operative date of RCW 48.23.350, reserves may be calculated, at the option of the insurer, according to any standard or standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for therein: PROVIDED, That reserves for participating life insurance policies issued on or after the operative date of RCW 48.23.350 may, with the consent of the commissioner, be calculated according to a rate of interest lower than the rate of interest used in calculating the nonforfeiture benefits in such policies, with the further proviso that if such lower rate differs from the rate used in the calculation of the

nonforfeiture benefits by more than one-half percent the insurer issuing such policies shall file with the commissioner a plan providing for such equitable increases, if any, in the cash surrender values and nonforfeiture benefits in such policies as the commissioner shall approve.

Any such insurer which at any time had adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with the approval of the commissioner, adopt any lower standard of valuation, but not lower than the minimum herein provided.

(7) Deficiency reserve: If the gross premium charged by any life insurer on any policy or contract is less than the net premium for the policy or contract according to the mortality table, rate of interest and method used in calculating the reserve thereon, there shall be maintained on such policy or contract a deficiency reserve in addition to all other reserves required by law. For each such policy or contract the deficiency reserve shall be the present value, according to such standard, of an annuity of the difference between such net premium and the premium charged for such policy or contract, running for the remainder of the premium-paying period. [1973 1st ex.s. c 162 § 4; 1963 c 195 § 13; 1961 c 194 § 3; 1959 c 225 § 3; 1957 c 193 § 7; 1947 c 79 § .12.15; Rem. Supp. 1947 § 45.12.15.]

48.12.180 VALUATION OF STOCKS. (1) Securities, other than those referred to in RCW 48.12.170, held by an insurer shall be valued, in the discretion of the commissioner, at their market value, or at their appraised value, or at prices determined by him as representing their fair market value, all consistent with any current method for the valuation of any such security formulated or approved by the National Association of Insurance Commissioners.

(2) Preferred or guaranteed stocks or shares while paying full dividends may be carried at a fixed value in lieu of market value, at the discretion of the commissioner and in accordance with such method of computation as he may approve.

(3) The stock of a subsidiary of an insurer shall be valued on the basis of the greater of (a) the value of only such of the assets of such subsidiary as would constitute lawful investments for the insurer if acquired or held directly by the insurer or (b) such other value determined pursuant to rules and cumulative limitations which shall be promulgated by the commissioner to effectuate the purposes of this chapter. [1973 c 151 § 1; 1947 c 79 § .12.18; Rem. Supp. 1947 § 45.12.18.]

Chapter 48.13 INVESTMENTS

48.13.010 SCOPE OF CHAPTER--ELIGIBLE INVESTMENTS. (1) Investments of domestic insurers shall be eligible to be held as assets only as prescribed in this chapter.

(2) Any particular investment of a domestic insurer held by it on the effective date of this code and which was a legal investment immediately prior thereto, shall be deemed a legal investment hereunder.

(3) The eligibility of an investment shall be determined as of the date of its making or acquisition.

(4) Except as to RCW 48.13.360, this chapter applies only to domestic insurers. [1973 c 151 § 2; 1947 c 79 § .13.01; Rem. Supp. 1947 § 45.13.01.]

48.13.160 REAL PROPERTY OWNED--HOME OFFICE BUILDING. (1) An insurer may own and invest or have invested in its home office and branch office buildings any of its funds in aggregate amount not to exceed ten percent of its assets unless approved by the commissioner, or if a mutual or reciprocal insurer not to exceed ten percent of its assets nor such amount as would reduce its surplus, exclusive of such investment, below fifty thousand dollars unless approved by the commissioner.

(2) An insurer may own real property acquired in satisfaction or on account of loans, mortgages, liens, judgments, or other debts previously owing to the insurer in the course of its business.

(3) An insurer may invest or have invested in aggregate amount not exceeding three percent of its assets in the following real property, and in the repair, alteration, furnishing, or improvement thereof:

(a) Real property requisite for its accommodation in the convenient transaction of its business if approved by the commissioner.

(b) Real property acquired by gift or devise.

(c) Real property acquired in exchange for real property owned by it. If necessary in order to consummate such an exchange, the insurer may put up cash in amount not to exceed twenty percent of the fair value of its real property to be so exchanged, in addition to such property.

(d) Real property acquired through a lawful merger or consolidation with it of another insurer and not required for the purposes specified in subsection (1) and in paragraph (a) of subsection (2) of this section.

(e) Upon approval of the commissioner, in real property and equipment incident to real property, requisite or desirable for the protection or enhancement of the value of other real property owned by the insurer.

(4) A domestic life insurer with assets of at least twenty-five million dollars and at least ten million dollars in capital and surplus, and a domestic property and casualty insurer with assets of at least seventy-five million dollars and at least thirty million dollars in capital and surplus, or, if a mutual or reciprocal property or casualty insurer, at least thirty million dollars in surplus, may, in addition to the real property included in subsections (1), (2) and (3) of this section, own such real property other than property to be used primarily for agricultural, horticultural, ranch, mining, recreational, amusement, or club purposes, as may be acquired as an investment for the production of income, or as may be acquired to be improved or developed for such investment purpose pursuant to an existing program therefor, subject to the following limitations and conditions:

(a) The cost of each parcel of real property so acquired under this subsection (4), including the estimated cost to the insurer of the improvement or development thereof, when added to the book value of all other real property under this subsection (4), together with the admitted value of all common stock, then held by it, shall not exceed twenty percent of its admitted assets or fifty percent of its surplus over the minimum required surplus, whichever is greater, as of the thirty-first day of December next preceding; and

(b) The cost of each parcel of real property so acquired, including the estimated cost to the insurer of the improvement or development thereof, shall not exceed as of the thirty-first day of December next preceding, four percent of its admitted assets.

(c) Indirect or proportionate interests in real estate held by a domestic life insurer through any subsidiary shall be included in proportion to such insurer's interest in the subsidiary in applying the limits provided in subsection (4). [1973 c 151 § 3; 1969 ex.s. c 241 § 7; 1967 ex.s. c 95 § 13; 1949 c 190 § 17; 1947 c 79 § .13.16; Rem. Supp. 1949 § 45.13.16.]

48.13.220 COMMON STOCKS--INVESTMENT--ACQUISITION--ENGAGING IN CERTAIN BUSINESS--ES.

(1) After satisfying the requirements of RCW 48.13.260, an insurer may invest any of its funds in common shares of stock in solvent United States corporations that qualify as a sound investment; except, that as to life insurers such investments shall further not aggregate an amount in excess of fifty percent of the insurer's surplus over its minimum required surplus.

(2) The insurer shall not invest in or loan upon the security of more than ten percent of the outstanding common shares of any one such corporation, subject further to the aggregate investment limitation of RCW 48.13.030.

(3) The limitations of subsection (2) of this section shall not apply to investment in the securities of any subsidiary corporations of the insurer which are engaged or organized to engage exclusively in one or more of the following businesses:

(a) Acting as an insurance agent for its parent or for any of its parent's insurer subsidiaries or affiliates;

(b) Investing, reinvesting, or trading in securities or acting as a securities broker or dealer for its own account, that of its parent, any subsidiary of its parent, or any affiliate or subsidiary;

(c) Rendering management, sales, or other related services to any investment company subject to the Federal Investment Company Act of 1940, as amended;

(d) Rendering investment advice;

(e) Rendering services related to the functions involved in the operation of an insurance business including, but not limited to, actuarial, loss prevention, safety engineering, data processing, accounting, claims appraisal, and collection services;

(f) Acting as administrator of employee welfare benefit and pension plans for governments, government agencies, corporations, or other organizations or groups;

(g) Ownership and management of assets which the parent could itself own and manage: PROVIDED, That the aggregate investment by the insurer and its subsidiaries acquired pursuant to this paragraph shall not exceed the limitations otherwise applicable to such investments by the parent;

(h) Acting as administrative agent for a government instrumentality which is performing an insurance function or is responsible for a health or welfare program;

(i) Financing of insurance premiums;

(j) Any other business activity reasonably ancillary to an insurance business;

(k) Owning a corporation or corporations engaged or organized to engage exclusively in either, or both (i) owning an insurer or insurers to the extent permitted by this chapter, or (ii) one or more of the businesses specified in paragraph (a) through (k) of this subsection inclusive.

(4) No acquisition of a majority of the total outstanding common shares of any corporation shall be made pursuant to this section unless a notice of intention of such proposed acquisition shall have been filed with the commissioner not less than ninety days, or such shorter period as may be permitted by the commissioner, in advance of such proposed acquisition, nor shall any such acquisition be made if the commissioner at any time prior to the expiration of the notice period finds that the proposed acquisition is contrary to law, or determines that such proposed acquisition would be contrary to the best interests of the parent insurer's policyholders or of the people of this state.

The following shall be the only factors to be considered in making the foregoing determination:

(a) The availability of the funds or assets required for such acquisition;

(b) The fairness of any exchange of stock, assets, cash, or other consideration for the stock or assets to be received;

(c) The impact of the new operation on the parent insurer's surplus and existing insurance business and the risks inherent in the parent insurer's investment portfolio and operations;

(d) The fairness and adequacy of the financing proposed for the subsidiary;

(e) The likelihood of undue concentration of economic power;

(f) Whether the effect of the acquisition may be substantially to lessen competition in any line of commerce in insurance or to tend to create a monopoly therein; and

(g) Whether the acquisition might result in an excessive proliferation of subsidiaries which would tend to unduly dilute management effectiveness or weaken financial strength or otherwise be contrary to the best interests of the parent insurer's policyholders or of the people of this state. At any time after an acquisition, the commissioner may order its disposition if he finds, after notice and hearing, that its continued retention is hazardous or prejudicial to the interests of the parent insurer's policyholders. The contents of each notice of intention of a proposed acquisition filed hereunder and information pertaining thereto shall be kept confidential, shall not be subject to subpoena, and shall not be made public unless after notice and hearing the commissioner determines that the interests of policyholders, stockholders, or the public will be served by the publication thereof.

(5) A domestic insurance company may, provided that it maintains books and records which separately account for such business, engage directly in any business referred to in paragraphs (d), (e), (h), and (j) of subsection (3) of this section either to the extent necessarily or properly incidental to the insurance business the insurer is authorized to do in this state or to the extent approved by the commissioner and subject to any limitations he may prescribe for the protection of the interests of the policyholders of the insurer after taking into account the effect of such business on the insurer's existing insurance business and its surplus, the proposed allocation of the estimated cost of such business, and the risks inherent in such business as well as the relative advantages to the insurer and its policyholders of conducting such business directly instead of through a subsidiary. [1973 c 151 § 4; 1949 c 190 § 18; 1947 c 79 § .13.22; Rem. Supp. 1949 § 45.13.22.]

48.13.290 DISPOSAL OF INELIGIBLE PROPERTY OR SECURITIES. (1) Any ineligible personal property or securities acquired by an insurer may be required to be disposed of within the time not less than six months specified by order of the commissioner, unless before that time it attains the standard of eligibility, if retention of such property or securities would be contrary to the policyholders or public interest in that it tends to substantially lessen competition in the insurance business or threatens impairment of the financial condition of the insurer.

(2) Any prohibited personal property or securities acquired by an insurer shall be disposed of forthwith or within any period specified by order of the commissioner.

(3) Any property or securities ineligible only because of being excess of the amount permitted under this chapter to be invested in the category to which it belongs shall be ineligible only to the extent of such excess. [1973 c 151 § 5; 1947 c 79 § .13.29; Rem. Supp. 1947 § 45.13.29.]

Chapter 48.17

AGENTS, BROKERS, SOLICITORS, AND ADJUSTERS

48.17.330 NONRESIDENT AGENTS AND BROKERS—RECIPROCITY. (1) The commissioner may license as an agent or as a broker, a person who is otherwise qualified therefor under this code but who is not a resident of or domiciled in this state, if by the laws of the state or province of his residence or domicile a similar privilege is extended to residents of or corporations domiciled in this state.

(2) Any such licensee shall be subject to the same obligations and limitations, and to the commissioner's supervision as though resident or domiciled in this state, subject to RCW 48.14.040.

(3) No such person shall be so licensed unless he files the power of attorney provided for in RCW 48.17.340, and, if a corporation, it must have complied with the laws of this state governing the admission of foreign corporations. [1973 1st ex.s. c 107 § 1; 1955 c 303 § 28; 1947 c 79 § .17.33; Rem. Supp. 1947 § 45.17.33.]

Severability—1973 1st ex.s. c 107: "If any provision of this 1973 amendatory 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." [1973 1st ex.s. c 107 § 5.]

48.17.530 REFUSAL, SUSPENSION, REVOCATION OF LICENSES. (1) The commissioner may suspend, revoke, or refuse to issue or renew any license which is issued or may be issued under this chapter or any

surplus line broker's license for any cause specified in any other provision of this code, or for any of the following causes:

(a) For any cause for which issuance of the license could have been refused had it then existed and been known to the commissioner.

(b) If the licensee or applicant wilfully violates or knowingly participates in the violation of any provision of this code or any proper order or regulation of the commissioner.

(c) If the licensee or applicant has obtained or attempted to obtain any such license through wilful misrepresentation or fraud, or has failed to pass any examination required under this chapter.

(d) If the licensee or applicant has misappropriated or converted to his own use or has illegally withheld moneys required to be held in a fiduciary capacity.

(e) If the licensee or applicant has, with intent to deceive, materially misrepresented the terms or effect of any insurance contract; or has engaged or is about to engage in any fraudulent transaction.

(f) If the licensee or applicant has been guilty of "twisting," as defined in RCW 48.30.180, or of rebating, as defined in chapter 48.30.

(g) If the licensee or applicant has been convicted, by final judgment, of a felony.

(h) If the licensee or applicant has shown himself to be, and is so deemed by the commissioner, incompetent, or untrustworthy, or a source of injury and loss to the public.

(i) If the licensee has dealt with, or attempted to deal with, insurances, or to exercise powers relative to insurance outside the scope of his licenses.

(2) If any natural person named under a firm or corporate license, or application therefor, commits or has committed any act or fails or has failed to perform any duty which is a ground for the commissioner to revoke, suspend or refuse to issue or renew the license or application for license, the commissioner may revoke, suspend, refuse to renew, or refuse to issue:

(a) The license, or application therefor, of the corporation or firm; or

(b) The right of the natural person to act thereunder; or

(c) Any other license held or applied for by the natural person; or

(d) He may take all such steps.

(3) Any conduct of an applicant or licensee which constitutes ground for disciplinary action under this code shall be deemed such ground notwithstanding that such conduct took place in another state.

(4) The holder of any license which has been revoked or suspended shall surrender the license certificate to the commissioner at the commissioner's request. [1973

1st ex.s. c 152 § 2; 1969 ex.s. c 241 § 11; 1967 c 150 § 23; 1947 c 79 § .17.53; Rem. Supp. 1947 § 45.17.53.]

Severability--1973 1st ex.s. c 152: See note following RCW 48.05.140.

48.17.540 PROCEDURE TO SUSPEND, REVOKE OR REFUSE--EFFECT OF CONVICTION OF FELONY.

(1) The commissioner shall revoke or refuse to renew any such license immediately and without hearing, upon conviction of the licensee of a felony by final judgment of any court of competent jurisdiction.

(2) The commissioner may suspend, revoke, or refuse to renew any such license:

(a) By order given to the licensee not less than fifteen days prior to the effective date thereof, subject to the right of the licensee to have a hearing as provided in RCW 48.04.010; or

(b) by an order on hearing made as provided in RCW 34.04.120 effective not less than ten days after date of the giving of the order, subject to the right of the licensee to appeal to the superior court. [1973 1st ex.s. c 107 § 2; 1967 c 150 § 24; 1947 c 79 § .17.54; Rem. Supp. 1947 § 45.17.54.]

Severability--1973 1st ex.s. c 107: See note following RCW 48.17.330.

Chapter 48.18
THE INSURANCE CONTRACT

48.18.020 POWER TO CONTRACT. (1) Any person eighteen years or older shall be considered of full legal age and may contract for or with respect to insurance. Any person seventeen years or younger shall be considered a minor for purposes of Title 48 RCW.

(2) A minor not less than fifteen years of age as at nearest birthday may, notwithstanding such minority, contract for life or disability insurance on his own life or body, for his own benefit or for the benefit of his father, mother, spouse, child, brother, sister, or grandparent, and may exercise all rights and powers with respect to or under the contract as though of full legal age, and may surrender his interest therein and give a valid discharge for any benefit accruing or money payable thereunder. The minor shall not, by reason of his minority, be entitled to rescind, avoid, or repudiate the contract, or any exercise of a right or privilege thereunder, except, that such minor, not otherwise emancipated, shall not be bound by any unperformed agreement to pay, by promissory note or otherwise any premium on any such insurance contract. [1973 1st ex.s. c 163 § 2; 1970 ex.s. c 17 § 4; 1947 c 79 § .18.02; Rem. Supp. 1947 § 45.18.02.]

48.18.030 INSURABLE INTEREST--PERSONAL INSURANCES. (1) Any individual of competent legal capacity may procure or effect an insurance contract upon his own life or body for the benefit of any person. But no person shall procure or cause to be procured any insurance contract upon the life or body of another individual unless the benefits under such contract are payable to the individual insured or his personal representatives, or to a person having, at the time when such contract was made, an insurable interest in the individual insured.

(2) If the beneficiary, assignee or other payee under any contract made in violation of this section receives from the insurer any benefits thereunder accruing upon the death, disablement or injury of the individual insured, the individual insured or his executor or administrator, as the case may be, may maintain an action to recover such benefits from the person so receiving them.

(3) "Insurable interest" as used in this section and in RCW 48.18.060 includes only interests as follows:

(a) In the case of individuals related closely by blood or by law, a substantial interest engendered by love and affection; and

(b) in the case of other persons, a lawful and substantial economic interest in having the life, health or bodily safety of the individual insured continue, as distinguished from an interest which would arise only by, or would be enhanced in value by, the death, disablement or injury of the individual insured.

(c) An individual heretofore or hereafter party to a contract or option for the purchase or sale of an interest in a business partnership or firm, or of shares of stock of a close corporation or of an interest in such shares, has an insurable interest in the life of each individual party to such contract and for the purposes of such contract only, in addition to any insurable interest which may otherwise exist as to the life of such individual.

(d) A guardian, trustee or other fiduciary has an insurable interest in the life of any person for whose benefit the fiduciary holds property, and in the life of any other individual in whose life such person has an insurable interest. [1973 1st ex.s. c 89 § 3; 1947 c 79 § .18.03; Rem. Supp. 1947 § 45.18.03.]

Cross Reference:

Investments by guardians, trustees or other fiduciaries in policies of life insurance: RCW 30.24.120.

48.18.292 REFUSAL TO RENEW PRIVATE AUTOMOBILE INSURANCE BY INSURER. (1) Each insurer shall be required to renew any contract of insurance subject to RCW 48.18.291 unless one of the following situations exists:

(a) The insurer gives the named insured at least twenty days' notice in writing as provided for in RCW 48.18.291 (1), that it proposes to refuse to renew the insurance contract upon its expiration date; and sets forth therein the actual reason for refusing to renew; or

(b) The insurer has communicated its willingness to renew in writing to the named insured, and has included therein a statement of the amount of the premium or portion thereof required to be paid by the insured to renew the policy and the date by which such payment must be made, and the insured fails to discharge when due his obligation in connection with the payment of such premium or portion thereof; or

(c) The insured's agent or broker has procured other coverage acceptable to the insured at least twenty days prior to the expiration of the policy period.

(2) Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal.

(3) "Renewal" or "to renew" means the issuance and delivery by an insurer of a policy replacing at the end of the policy period a policy previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period or term: PROVIDED, HOWEVER, That any policy with a policy period or term of six months or less whether or not made continuous for successive terms upon the payment of additional premiums shall for the purpose of RCW 48.18.291 through 48.18.297 be considered as if written for a policy period or term of six months: PROVIDED, FURTHER, That any policy written for a term longer than one year or any policy with no fixed expiration date, shall, for the purpose of RCW 48.18.291 through 48.18.297, be considered as if written for successive policy periods or terms of one year. [1973 1st ex.s. c 152 § 3; 1969 ex.s. c 241 § 20.]

Severability--1973 1st ex.s. c 152: See note following RCW 48.05.140.

48.18.298 DISABILITY INSURANCE--REFUSAL TO RENEW BY INSURER. No insurer shall refuse to renew any policy of individual disability insurance issued after July 1, 1973 because of a change in the physical or mental condition or health of any person covered thereunder: PROVIDED, That after approval of the insurance commissioner, an insurer may discharge its obligation to renew the contract by obtaining for the insured coverage with another insurer which is comparable in terms of premiums and benefits. [1973 1st ex.s. c 188 § 1.]

Severability—1973 1st ex.s. c 188: "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." [1973 1st ex.s. c 188 § 5.]

48.18.299 DISABILITY INSURANCE--CANCELLATION BY INSURER. No contract of insurance enumerated in RCW 48.18.298 shall be terminated by cancellation by the insurer during the period of contract except for nonpayment of premium. This section shall not be deemed to affect the right of the insurer to rescind the policy as limited and defined in RCW 48.18.090. [1973 1st ex.s. c 188 § 2.]

Severability—1973 1st ex.s. c 188: See note following RCW 48.18.298.

48.18.375 ASSIGNMENT OF INTERESTS UNDER GROUP INSURANCE POLICY. A person whose life is insured under a group insurance policy may, subject and pursuant to the terms of the policy, or pursuant to an arrangement between the insured, the group policyholder and the insurer, assign to any or all his spouse, children, parents, or a trust for the benefit of any or all of them, all or any part of his incidents of ownership, rights, title, and interests, both present and future, under such policy including specifically, but not by way of limitation, the right to designate a beneficiary or beneficiaries thereunder and the right to have an individual policy issued to him in case of termination of employment or of said group insurance policy. Such an assignment by the insured, made either before or after July 16, 1973, is valid for the purpose of vesting in the assignee, in accordance with any provisions included therein as to the time at which it is to be effective, all of such incidents of ownership, rights, title, and interests so assigned, but without prejudice to the insurer on account of any payment it may make or individual policy it may issue prior to receipt of notice of the assignment. This section acknowledges, declares, and codifies the existing right of assignment of interests under group insurance policies. [1973 1st ex.s. c 163 § 3.]

48.18.380 MINOR MAY GIVE ACQUITTANCE--LIFE INSURANCE. [1947 c 79 § .18.38; Rem. Supp. 1947 § 45.18.38.] Repealed by 1973 1st ex.s. c 163 § 11.

Chapter 48.18A
VARIABLE CONTRACT ACT

48.18A.020 SEPARATE ACCOUNTS AUTHORIZED--ALLOCATIONS--BENEFITS--LIMITATIONS--VALUATION--SALE, TRANSFER OR EXCHANGE OF ASSETS. A domestic life insurer may, by or pursuant to resolution of its board of directors, establish one or more separate accounts, and may allocate thereto amounts (including without limitation proceeds applied under optional modes of settlement or under dividend options) to provide for life insurance or annuities (and other benefits incidental thereto), payable in fixed or variable amounts or both, subject to the following:

(1) The income, gains, and losses, realized or unrealized, from assets allocated to a separate account shall be credited to or charged against the account, without regard to other income, gains, or losses of the insurer.

(2) (a) Except as hereinafter provided, amounts allocated to any separate account and accumulations thereon may be invested and reinvested without regard to any requirements or limitations prescribed by the laws of this state governing the investments of life insurers: PROVIDED, That to the extent that the insurer's reserve liability with regard to (i) benefits guaranteed as to dollar amount and duration, and (ii) funds guaranteed as to principal amount or stated rate of interest is maintained in any separate account, a portion of the assets of such separate account at least equal to such reserve liability shall be invested under such conditions as the commissioner may prescribe. The investments in such separate account or accounts shall not be taken into account in applying the investment limitations applicable to the investments of the insurer.

(b) With respect to seventy-five percent of the market value of the total assets in a separate account no insurer shall purchase or otherwise acquire the securities of any issuer, other than securities issued or guaranteed as to principal or interest by the United States, if immediately after such purchase or acquisition the market value of such investment, together with prior investments of such separate account in such security taken at market value, would exceed ten percent of the market value of the assets of such separate account: PROVIDED, That the commissioner may waive such limitation if, in his opinion, such waiver will not render the operation of such separate account hazardous to the public or the policyholders in this state.

(c) Unless otherwise permitted by law or approved by the commissioner, no insurer shall purchase or otherwise acquire for its separate accounts the voting securities of any issuer if as a result of such acquisition the insurer and its separate accounts, in the aggregate, will own more

than ten percent of the total issued and outstanding voting securities of such issuer: PROVIDED, That the foregoing shall not apply with respect to securities held in separate accounts, the voting rights in which are exercisable only in accordance with instructions from persons having interests in such accounts.

(d) The limitations provided in paragraphs (b) and (c) of this subsection shall not apply to the investment with respect to a separate account in the securities of an investment company registered under the United States Investment Company Act of 1940: PROVIDED, That the investments of such investment company shall comply in substance therewith.

(3) Unless otherwise approved by the commissioner, assets allocated to a separate account shall be valued at their market value on the date of valuation, or if there is no readily available market, then as provided under the terms of the contract or the rules or other written agreement applicable to such separate account: PROVIDED, That unless otherwise approved by the commissioner, the portion, if any, of the assets of such separate account equal to the insurer's reserve liability with regard to the guaranteed benefits and funds referred to in subsection (2) of this section shall be valued in accordance with the rules otherwise applicable to the insurer's assets.

(4) Amounts allocated to a separate account in the exercise of the power granted by this chapter shall be owned by the insurer and the insurer shall not be, nor hold itself out to be, a trustee with respect to such amounts. If and to the extent so provided under the applicable contracts, that portion of the assets of any such separate account equal to the reserves and other contract liabilities with respect to such account shall not be chargeable with liabilities arising out of any other business the insurer may conduct.

(5) No sale, exchange or other transfer of assets may be made by an insurer between any of its separate accounts or between any other investment account and one or more of its separate accounts unless, in case of a transfer into a separate account, such transfer is made solely to establish the account or to support the operation of the contracts with respect to the separate account to which the transfer is made, and unless such transfer, whether into or from a separate account, is made (a) by a transfer of cash, or (b) by a transfer of securities having a readily determinable market value: PROVIDED, That such transfer of securities is approved by the commissioner. The commissioner may approve other transfers among such accounts, if, in his opinion, such transfers would not be inequitable.

(6) To the extent such insurer deems it necessary to comply with any applicable federal or state law, such insurer, with

respect to any separate account, including without limitation any separate account which is a management investment company or a unit investment trust, may provide for persons having interest therein, as may be appropriate, voting and other rights and special procedures for the conduct of the business of such account, including without limitation, special rights and procedures relating to investment policy, investment advisory services, selection of independent public accountants, and the selection of a committee, the members of which need not be otherwise affiliated with such insurer, to manage the business of such account. [1973 1st ex.s. c 163 § 4; 1969 c 104 § 2.]

48.18A.030 STATEMENTS REQUIRED IN CONTRACTS—PAYMENT ON DEATH, INCIDENTAL BENEFIT PROVISION. (1) Every variable

contract providing benefits payable in variable amounts delivered or issued for delivery in this state shall contain a statement of the essential features of the procedures to be followed by the insurer in determining the dollar amount of such variable benefits. Any such contract under which the benefits vary to reflect investment experience, including a group contract and any certificate in evidence of variable benefits issued thereunder, shall state that such dollar amount will so vary and shall contain on its first page a statement to the effect that the benefits thereunder are on a variable basis.

(2) Variable annuity contracts delivered or issued for delivery in this state may include as an incidental benefit provision for payment on death during the deferred period of an amount not in excess of the greater of the sum of the premiums or stipulated payments paid under the contract or the value of the contract at time of death. For this purpose such benefit shall not be deemed to be life insurance and therefore not subject to any statutory provisions governing life insurance contracts. A provision for any other benefits on death during the deferred period will be subject to such insurance law provisions. [1973 1st ex.s. c 163 § 5; 1969 c 104 § 3.]

48.18A.050 APPLICABILITY OF OTHER CODE PROVISIONS—CONTRACT REQUIREMENTS. The

provisions of RCW 48.23.020, 48.23.030, 48.23.080 through 48.23.120, 48.23.140, 48.23.150, 48.23.200 through 48.23.240, 48.23.310, 48.23.350, and 48.23.360, and the provisions of chapter 48.24 RCW shall be inapplicable to variable contracts; nor shall any provision in the code requiring contracts to be participating be deemed applicable to variable contracts. Except as otherwise provided in this chapter, all pertinent provisions of the insurance code shall apply to separate accounts and

contracts relating thereto. Any individual variable life insurance or individual variable annuity contract delivered or issued for delivery in this state shall contain grace, reinstatement, and nonforfeiture provisions appropriate to such contracts, and any such variable life insurance contract shall provide that the investment experience of the separate account shall in no event operate to reduce the death benefit below an amount equal to the face amount of the contract at the time the contract was issued. Any individual variable life insurance contract may contain a provision for deduction from the death proceeds of amounts of due and unpaid premiums or of indebtedness which are appropriate to such contracts. The reserve liability for variable annuities shall be established in accordance with actuarial procedures that recognize the variable nature of the benefits provided and any mortality guarantees. [1973 1st ex.s. c 163 § 6; 1969 c 104 § 5.]

48.18A.060 LICENSING REQUIREMENT. No person shall be or act as an agent for the solicitation or sale of variable contracts except while duly appointed and licensed under the insurance code as a life insurance agent with respect to the insurer, and while duly licensed as a security salesman or securities broker under a license issued by the administrator of securities pursuant to the securities act of this state; except that any person who participates only in the sale or offering for sale of variable contracts which fund corporate plans meeting the requirements for qualification under sections 401 or 403 of the United States internal revenue code need not be licensed pursuant to the securities act of this state. [1973 1st ex.s. c 163 § 7; 1969 c 104 § 6.]

Chapter 48.20
DISABILITY INSURANCE

Cross Reference:

Refusal to renew or cancellation of disability insurance: RCW 48.18.298, 48.18.299.

48.20.052 STANDARD PROVISION NO. 2-- TIME LIMIT ON CERTAIN DEFENSES. There shall be a provision as follows:

TIME LIMIT ON CERTAIN DEFENSES: (a) After two years from the date of issue of this policy no misstatements except fraudulent misstatements, made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of such two year period.

(The foregoing policy provision shall not be so construed as to affect any legal

requirement for avoidance of a policy or denial of a claim during such initial two year period, nor to limit the application of RCW 48.20.172, 48.20.182, 48.20.192, 48.20.202, and 48.20.212 in the event of misstatement with respect to age or occupation or other insurance.)

(A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (1) until at least age 50 or, (2) in the case of a policy issued after age 44, for at least five years from its date of issue, may contain in lieu of the foregoing the following provision (from which the clause in parentheses may be omitted at the insurer's option) under the caption "INCONTESTABLE":

"After this policy has been in force for a period of two years during the lifetime of the insured (excluding any period during which the insured is disabled), it shall become incontestable as to the statements contained in the application.")

(b) No claim for loss incurred or disability (as defined in the policy) commencing after two years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy. (More stringent provisions may be required by the commissioner in connection with individual disability policies sold without any application or with minimal applications). [1973 1st ex.s. c 152 § 4; 1969 ex.s. c 241 § 12; 1951 c 229 § 6.]

Severability--1973 1st ex.s. c 152; See note following RCW 48.05.140.

48.20.411 BENEFITS FOR SERVICES PERFORMED BY REGISTERED NURSES. Notwithstanding any provision of any disability insurance contract as provided for in this chapter, benefits shall not be denied thereunder for any health care service performed by a holder of a license issued pursuant to chapter 18.88 RCW if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a holder of a license issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That no provision of chapter 18.71 RCW shall be asserted to deny benefits under this section.

The provisions of this section are intended to be remedial and procedural to the extent they do not impair the obligation of any existing contract. [1973 1st ex.s. c 188 § 3.]

Severability--1973 1st ex.s. c 188; See note following RCW 48.18.298.

Chapter 48.21
GROUP AND BLANKET DISABILITY INSURANCE

Cross Reference:

Refusal to renew or cancellation of disability insurance: RCW 48.18.298, 48.18.299.

48.21.141 BENEFITS PERFORMED BY REGISTERED NURSES. Notwithstanding any provision of any group disability insurance contract or blanket disability insurance contract as provided for in this chapter, benefits shall not be denied thereunder for any health service performed by a holder of a license issued pursuant to chapter 18.88 RCW if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a holder of a license issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That no provision of chapter 18.71 RCW shall be asserted to deny benefits under this section.

The provisions of this section are intended to be remedial and procedural to the extent they do not impair the obligation of any existing contract. [1973 1st ex.s. c 188 § 4.]

Severability—1973 1st ex.s. c 188: See note following RCW 48.18.298.

Chapter 48.21A
DISABILITY INSURANCE—EXTENDED HEALTH

Cross Reference:

Refusal to renew or cancellation of disability insurance: RCW 48.18.298, 48.18.299.

Chapter 48.23
LIFE INSURANCE AND ANNUITIES

48.23.350 STANDARD NONFORFEITURE LAW—LIFE INSURANCE. (1) This section shall be known as the standard nonforfeiture law.

(2) Nonforfeiture provisions—Life: In the case of policies issued on or after the operative date of this section as defined in subsection (8), no policy of life insurance, except as stated in subsection (7), shall be delivered or issued for delivery in this state unless it shall contain in substance the following provisions, or corresponding provisions which in the opinion of the commissioner are at least as favorable to the defaulting or surrendering policyholder:

(a) That, in the event of default in any premium payment, the insurer will grant, upon proper request not later than sixty days after the due date of the premium in default, a paid-up nonforfeiture benefit on a plan stipulated in the policy, effective as of such due date, of

such value as may be hereinafter specified.

(b) That, upon surrender of the policy within sixty days after the due date of any premium payment in default after premiums have been paid for at least three full years in the case of ordinary insurance or five full years in the case of industrial insurance, the insurer will pay, in lieu of any paid-up nonforfeiture benefit, a cash surrender value of such amount as may be hereinafter specified.

(c) That a specified paid-up nonforfeiture benefit shall become effective as specified in the policy unless the person entitled to make such election elects another available option not later than sixty days after the due date of the premium in default.

(d) That, if the policy shall have become paid-up by completion of all premium payments or if it is continued under any paid-up nonforfeiture benefits which become effective on or after the third policy anniversary in the case of ordinary insurance or the fifth policy anniversary in the case of industrial insurance, the insurer will pay, upon surrender of the policy within thirty days after any policy anniversary, a cash surrender value of such amount as may be hereinafter specified.

(e) A statement of the mortality table and interest rate used in calculating the cash surrender values and the paid-up nonforfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid-up nonforfeiture benefit, if any, available under the policy on each policy anniversary either during the first twenty policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the policy and that there is no indebtedness to the insurer on the policy.

(f) A statement that the cash surrender values and the paid-up nonforfeiture benefits available under the policy are not less than the minimum values and benefits required by or pursuant to the insurance law of this state; an explanation of the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the insurer on the policy; if a detailed statement of the method of computation of the values and benefits shown in the policy is not stated therein, a statement that such method of computation has been filed with the insurance supervisory official of the state in which the policy is delivered; and a statement of the method to be used in calculating the cash surrender value and paid-up nonforfeiture benefit available under the policy on any policy anniversary beyond the last anniversary for which such values

and benefits are consecutively shown in the policy.

Any of the foregoing provisions or portions thereof not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy.

The insurer shall reserve the right to defer the payment of any cash surrender value for a period of six months after demand therefor with surrender of the policy.

(3) Cash surrender value—Life: Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary, whether or not required by subsection (2) of this section, shall be an amount not less than the excess, if any, of the present value, on such anniversary, of the future guaranteed benefits which would have been provided for by the policy including any existing paid-up additions, if there had been no default, over the sum of (a) the then present value of the adjusted premiums as defined in subsections (5), (5a) and (5b) of this section corresponding to premiums which would have fallen due on and after such anniversary, and (b) the amount of any indebtedness to the insurer on account of or secured by the policy. Any cash surrender value available within thirty days after any policy anniversary under any policy paid-up by completion of all premium payments or any policy continued under any paid-up nonforfeiture benefits whether or not required by such subsection (2), shall be an amount not less than the present value, on such anniversary, of the future guaranteed benefits provided for by the policy including any existing paid-up additions, decreased by any indebtedness to the insurer on account of or secured by the policy.

(4) Paid-up nonforfeiture benefit—Life: Any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then provided for by the policy or, if none is provided for, that cash surrender value which would have been required by this section in the absence of the condition that premiums shall have been paid for at least a specified period.

(5) The adjusted premium—Life: Except as provided in the third paragraph of this subsection, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding extra premiums on a substandard policy, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of (a) the then present value of the future guaranteed benefits provided for by the policy; (b) two percent of the amount of

insurance, if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (c) forty percent of the adjusted premium for the first policy year; (d) twenty-five percent of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less: PROVIDED, That in applying the percentages specified in (c) and (d) above, no adjusted premium shall be deemed to exceed four percent of the amount of insurance or uniform amount equivalent thereto. Whenever the plan or term of a policy has been changed, either by request of the insured or automatically in accordance with the provisions of the policy, the date of inception of the changed policy for the purposes of determining a nonforfeiture benefit or cash surrender value shall be the date as of which the age of the insured is determined for the purpose of the changed policy.

In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent uniform amount thereof for the purpose of this subsection shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy, provided, however, that in the case of a policy, providing a varying amount of insurance issued on the life of a child under age ten, the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age ten were the amount provided by such policy at age ten.

The adjusted premiums for any policy providing term insurance benefits by rider or supplemental policy provision shall be equal to (i) the adjusted premiums for an otherwise similar policy issued at the same age without such term insurance benefits, increased, during the period for which premiums for such term insurance benefits are payable, by (ii) the adjusted premiums for such term insurance, the foregoing items (i) and (ii) being calculated separately and as specified in the first two paragraphs of this subsection except that, for the purposes of (b), (c) and (d) of the first such paragraph, the amount of insurance or equivalent uniform amount of insurance used in the calculation of the adjusted premiums referred to in (ii) shall be equal to the excess of the corresponding amount determined for the entire policy over the amount used in

the calculation of the adjusted premiums in (i).

Except as otherwise provided in subsections (5a) and (5b) of this section, all adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the Commissioners 1941 Standard Ordinary Mortality Table: PROVIDED, That for any category of ordinary insurance issued on female risks on or after July 1, 1957, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured, and such calculations for all policies of industrial insurance shall be made on the basis of the 1941 Standard Industrial Mortality Table. All calculations shall be made on the basis of the rate of interest, not exceeding three and one-half percent per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits: PROVIDED, That in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than one hundred and thirty percent of the rates of mortality according to such applicable table: PROVIDED FURTHER, That for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

(5a) In the case of ordinary policies issued on or after the operative date of this subsection (5a) as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table and the rate of interest, not exceeding three and one-half percent per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits, provided, that such rate of interest shall not exceed three and one-half percent per annum except that a rate of interest not exceeding four percent per annum may be used for policies issued on or after July 16, 1973, and provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1958 Extended Term Insurance Table. Provided, further, That for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as

may be specified by the insurer and approved by the commissioner.

On or after June 11, 1959, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this subsection, either as to designated ordinary policies or as to all ordinary policies issued by it, after a specified date before January 1, 1966. After the filing of such notice, then upon such specified date (which shall be the operative date of this subsection as to such policies for such insurer), this subsection shall become operative with respect to such policies thereafter issued by such insurer. If an insurer makes no such election, or so elects to have this subsection apply as to certain of its ordinary policies only, the operative date of this subsection as to all of the ordinary policies issued by such insurer (other than those policies as to which the insurer has elected an earlier operative date as hereinabove provided) shall be January 1, 1966.

(5b) In the case of industrial policies issued on or after the operative date of this subsection (5b) as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners 1961 Standard Industrial Mortality Table and the rate of interest, not exceeding three and one-half percent per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits: PROVIDED, That such rate of interest shall not exceed three and one-half percent per annum except that a rate of interest not exceeding four percent per annum may be used for policies on or after July 16, 1973: PROVIDED, That in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1961 Industrial Extended Term Insurance Table: PROVIDED FURTHER, That for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

After the effective date of this amendatory act of 1963, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this subsection after a specified date before January 1, 1968. After the filing of such notice, then upon such specified date (which shall be the operative date of this subsection for such insurer), this subsection shall become operative with respect to the industrial policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this subsection for such insurer shall be January 1, 1968.

(6) Calculation of values—Life: Any cash surrender value and any paid-up nonforfeiture benefit, available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in subsections (3), (4), (5), (5a) and (5b) of this section may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding the provisions of subsection (3) of this section, additional benefits payable (a) in the event of death or dismemberment by accident or accidental means, (b) in the event of total and permanent disability, (c) as reversionary annuity or deferred reversionary annuity benefits, (d) as term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply, (e) as term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is twenty-six, is uniform in amount after the child's age is one, and has not become paid-up by reason of the death of a parent of the child, and (f) as other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

(7) Exceptions: This section shall not apply to any reinsurance, group insurance, pure endowment, annuity or reversionary annuity contract, nor to any term policy of uniform amount, or renewal thereof, of fifteen years or less expiring before age sixty-six, for which uniform premiums are payable during the entire term of the policy, nor to any term policy of decreasing amount on which each adjusted premium, calculated as specified in subsections (5), (5a) and (5b) of this section, is less than the adjusted premium so calculated, on such fifteen year term policy issued at the same age and for the same initial amount of insurance, nor to any policy which shall be delivered outside this state through an agent or other representative of the insurer issuing the policy.

(8) Operative date: After the effective date of this section, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date before July 1, 1948. After the

filing of such notice, then upon such specified date (which shall be the operative date for such insurer), this section shall become operative with respect to the policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this section for such insurer shall be July 1, 1948. [1973 1st ex.s. c 162 § 5; 1963 c 195 § 20; 1961 c 194 § 7; 1959 c 225 § 8; 1957 c 193 § 15; 1947 c 79 § .23.35; Rem. Supp. 1947 § 45.23.35.]

48.23.360 CALCULATION OF NONFORFEITURE BENEFITS UNDER ANNUITIES.

(1) Nonforfeiture benefits: Any paid-up nonforfeiture benefit available under any annuity or pure endowment contract pursuant to RCW 48.23.200, in the event of default in a consideration due on any contract anniversary shall be such that its present value as of such anniversary shall be not less than the excess, if any, of the present value, on such anniversary, of the future guaranteed benefits (excluding any total disability benefits attached to such contracts) which would have been provided for by the contract including any existing paid-up additions, if there had been no default, over the sum of (a) the then present value of the net consideration defined in subsection (2) of this section corresponding to considerations which would have fallen due on and after such anniversary, and (b) the amount of any indebtedness to the company on the contract, including interest due or accrued. In determining the benefits referred to in this section and in calculating the net consideration referred to in such subsection (2), in the case of annuity contracts under which an election may be made to have annuity payments commence at optional dates, the annuity payments shall be deemed to commence at the latest date permitted by the contract for the commencement of such payments and the considerations shall be deemed to be payable until such date, which, however, shall not be later than the contract anniversary nearest the annuitant's seventieth birthday.

(2) Net considerations: The net considerations for any annuity or pure endowment contract referred to in subsection (1) of this section shall be calculated on an annual basis, shall be such that the present value thereof at date of issue of the annuity shall equal the then present value of the future benefits thereunder (excluding any total disability benefits attached to such contracts) and shall be not less than the following percentages of the respective considerations specified in the contracts for the respective contract years:

First year.....fifty percent
Second and subsequent
years.....ninety percent

PROVIDED, That in the case of participating annuity contracts the percentages hereinbefore specified may be decreased by five.

(3) Basis of calculation: All net considerations and present values for such contracts referred to in this section shall be calculated on the basis of the 1937 Standard Annuity Mortality Table or, at the option of the insurer, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner, and the rate of interest, not exceeding three and one-half percent per annum, specified in the contract for calculating cash surrender values, if any, and paid-up nonforfeiture benefits; except that with respect to annuity and pure endowment contracts issued on or after the operative date of RCW 48.12.150 (3) (b) (ii) for such contracts, such rate of interest may be as high as four percent per annum: PROVIDED, That if such rate of interest exceeds three and one-half percent per annum, all net considerations and present values for such contracts referred to in this section shall be calculated on the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the commissioner.

(4) Calculations on default: Any cash surrender value and any paid-up nonforfeiture benefit, available under any such contract in the event of default in the payment of any consideration due at any time other than on the contract anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional considerations beyond the last preceding contract anniversary. All values herein referred to may be calculated upon the assumption that any death benefit is payable at the end of the contract year of death.

(5) Deferment of payment: If an insurer provides for the payment of a cash surrender value, it shall reserve the right to defer the payment of such value for a period of six months after demand therefor with surrender of the contract.

(6) Lump sum in lieu: Notwithstanding the requirements of this section, any deferred annuity contract may provide that if the annuity allowed under any paid-up nonforfeiture benefit would be less than one hundred twenty dollars annually, the insurer may at its option grant a cash surrender value in lieu of such paid-up nonforfeiture benefit of such amount as may be required by subsection (3) of this section.

(7) Operative date: If no election is made by an insurer for an operative date prior to July 1, 1948, such date shall be the operative date for this section. [1973 1st ex.s. c 162 § 6; 1951 c 190 § 1; 1947 c 79 § .23.36; Rem. Supp. 1947 § 45.23.36.]

Chapter 48.24
GROUP LIFE AND ANNUITIES

48.24.010 GROUP REQUIREMENTS MUST BE MET. (1) No contract of life insurance shall hereafter be delivered or issued for delivery in this state insuring the lives of more than one individual unless to one of the groups as provided for in this chapter, and unless in compliance with the other provisions of this chapter.

(2) Subsection (1) of this section shall not apply to contracts of life insurance

(a) insuring only individuals related by marriage, by blood, or by legal adoption; or

(b) insuring only individuals having a common interest through ownership of a business enterprise, or of a substantial legal interest or equity therein, and who are actively engaged in the management thereof; or

(c) insuring the lives of employees and retirees under contracts executed with the state employees insurance board under the provisions of chapter 41.05 RCW. [1973 1st ex.s. c 147 § 11; 1947 c 79 § .24.01; Rem. Supp. 1947 § 45.24.01.]

48.24.060 PUBLIC EMPLOYEE ASSOCIATIONS (AS AMENDED BY 1973 1ST EX.S. C 152 § 5). The lives of a group of public employees may be insured under a policy issued to the departmental head or to a trustee, or issued to an association of public employees formed for purposes other than obtaining insurance and having, when the policy is placed in force, a membership in the classes eligible for insurance of not less than seventy-five percent of the number of employees eligible for membership in such classes, which department head or trustee or association shall be deemed the policyholder, to insure such employees for the benefit of persons other than the policyholder or any of its officials, subject to the following requirements:

(1) The persons eligible for insurance under the policy shall be all of the employees of the department or members of the association, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the association, or both.

(2) The premium for the policy shall be paid by the policyholder, in whole or in part either from salary deductions authorized by, or charges collected from, the insured employees or members specifically for the insurance, or from the association's own funds, or from both. Any such deductions from salary may be paid by the employer to the association or directly to the insurer. No policy may be placed in force unless and until at least seventy-five percent of the then eligible employees or association members, excluding any

as to whom evidence of individual insurability is not satisfactory to the insurer, have elected to be covered and have authorized their employer to make any required deductions from salary.

(3) The rate of charges to the insured employees or members specifically for the insurance, and the dues of the association if they include the cost of insurance, shall be determined according to each attained age or in not less than four reasonably spaced attained age groups. In no event shall the rate of such dues or charges be level for all members regardless of attained age.

(4) The policy must cover at least twenty-five persons at date of issue.

(5) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or members or by the association.

As used herein, "public employees" means employees of the United States government, or of any state, or of any political subdivision or instrumentality of any of them. [1973 1st ex.s. c 152 § 5; 1963 c 195 § 21; 1955 c 303 § 20; 1953 c 197 § 11; 1947 c 79 § .24.06; Rem. Supp. 1947 § 45.24.06.]

Severability—1973 1st ex.s. c 152: See note following RCW 48.05.140.

Reviser's note: RCW 48.24.060 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

48.24.060 PUBLIC EMPLOYEE ASSOCIATIONS (AS AMENDED BY 1973 1ST EX.S. C 163 § 8). The lives of a group of public employees may be insured under a policy issued to the departmental head or to a trustee, or issued to an association of public employees formed for purposes other than obtaining insurance and having, when the policy is placed in force, a membership in the classes eligible for insurance of not less than seventy-five percent of the number of employees eligible for membership in such classes, which department head or trustee or association shall be deemed the policyholder, to insure such employees for the benefit of persons other than the policyholder or any of its officials, subject to the following requirements:

(1) The persons eligible for insurance under the policy shall be all of the employees of the department or members of the association, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the association, or both.

(2) The premium for the policy shall be paid by the policyholder, in whole or in part either from salary deductions authorized by, or charges collected from, the

insured employees or members specifically for the insurance, or from the association's own funds, or from both. Any such deductions from salary may be paid by the employer to the association or directly to the insurer. No policy may be placed in force unless and until at least seventy-five percent of the then eligible employees or association members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, have elected to be covered and have authorized their employer to make any required deductions from salary.

(3) The rate of charges to the insured employees or members specifically for the insurance, and the dues of the association if they include the cost of insurance, shall be determined according to each attained age or in not less than four reasonably spaced attained age groups. In no event shall the rate of such dues or charges be level for all members regardless of attained age.

(4) The policy must cover at least twenty-five persons at date of issue.

(5) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or members or by the association. Such amounts shall in no event exceed fifteen thousand dollars of life insurance in the case of any employee or member, and the amount of life insurance shall not exceed one thousand five hundred dollars in the case of retired employees or members and persons over age sixty-five.

As used herein, "public employees" means employees of the United States government, or of any state, or of any political subdivision or instrumentality of any of them. [1973 1st ex.s. c 163 § 8; 1963 c 195 § 21; 1955 c 303 § 20; 1953 c 197 § 11; 1947 c 79 § .24.06; Rem. Supp. 1947 § 45.24.06.]

Reviser's note: RCW 48.24.060 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

48.24.070 TRUSTEE GROUPS. The lives of a group of individuals may be insured under a policy issued to the trustees of a fund established by two or more employers or by two or more employer members of an employers' association, or by one or more labor unions, or by one or more employers and one or more labor unions, or by one or more employers and one or more labor unions whose members are in the same or related occupations or trades, which trustees shall be deemed the policyholder, to insure employees or members for the benefit of persons other than the employers or the unions, subject to the following requirements:

(1) If the policy is issued to two or more employer members of an employers' association, such policy may be issued only if (a) the association has been in existence for at least five years and was formed for purposes other than obtaining insurance and (b) the participating employers, meaning such employer members whose employees are to be insured, constitute at date of issue at least fifty percent of the total employers eligible to participate, unless the number of persons covered at date of issue exceeds six hundred, in which event such participating employers must constitute at least twenty-five percent of such total employers in either case omitting from consideration any employer whose employees are already covered for group life insurance.

(2) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term "employees" shall include the individual proprietor or partners if an employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are connected with such trusteeship. The policy may provide that the term "employees" shall include retired employees.

(3) The premium for the policy shall be paid by the trustees wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions, or by both, or, partly from such funds and partly from funds contributed by the insured persons. A policy on which part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance may be placed in force only if at least seventy-five percent of the then eligible persons, excluding any as to whom evidence of insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance must insure all eligible persons, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(4) The policy must cover at least fifty persons at date of issue.

(5) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, or unions. [1973 1st ex.s. c 163 § 9; 1963 c 86 § 1; 1959 c 225 § 9; 1955 c 303 § 21; 1953 c 197 § 12; 1947 c 79 § .24.07; Rem. Supp. 1947 § 45.24.07.]

Chapter 48.30
UNFAIR PRACTICES AND FRAUDS

48.30.010 UNFAIR PRACTICES IN GENERAL.

(1) No person engaged in the business of insurance shall engage in unfair methods of competition or in unfair or deceptive acts or practices in the conduct of such business as such methods, acts, or practices are defined pursuant to subsection (2) of this section.

(2) In addition to such unfair methods and unfair or deceptive acts or practices as are expressly defined and prohibited by this code, the commissioner may from time to time by regulation promulgated pursuant to chapter 34.04 RCW, define other methods of competition and other acts and practices in the conduct of such business reasonably found by him to be unfair or deceptive.

(3) No such regulation shall be made effective prior to the expiration of thirty days after the date of the order by which it is promulgated.

(4) If the commissioner has cause to believe that any person is violating any such regulation he may order such person to cease and desist therefrom. The commissioner shall deliver such order to such person direct or mail it to the person by registered mail with return receipt requested. If the person violates the order after expiration of ten days after the cease and desist order has been received by him, he may be fined by the commissioner a sum not to exceed two hundred and fifty dollars for each violation committed thereafter, or the commissioner may take such other action independently, or in addition, as is permitted under the insurance code for the violation of the regulation. [1973 1st ex.s. c 152 § 6; 1965 ex.s. c 70 § 24; 1947 c 79 § .30.01; Rem. Supp. 1947 § 45.30.01.]

Severability—1973 1st ex.s. c 152: See note following RCW 48.05.140.

48.30.280 CANCELLATION OR FAILURE TO RENEW BASED UPON SEX OR MARITAL STATUS DEEMED UNFAIR PRACTICE.

Cross Reference:

Unfair practices with respect to insurance transactions: RCW 49.60.178.

Chapter 48.31
MERGERS, REHABILITATION, LIQUIDATION

48.31.010 MERGER OR CONSOLIDATION.

(1) Subject to the provisions of RCW 48.08.080, relating to the mutualization of stock insurers, RCW 48.09.350, relating to the conversion or reinsurance of mutual insurers, and RCW 48.10.330, relating to the consolidation or conversion of reciprocal insurers, a domestic insurer may

merge or consolidate with another insurer, subject to the following conditions:

(a) The plan of merger or consolidation must be submitted to and be approved by the commissioner in advance of the merger or consolidation.

(b) The commissioner shall not approve any such plan unless, after a hearing, pursuant to such notice as the commissioner may require, he finds that it is fair, equitable, consistent with law, and that no reasonable objection exists. If the commissioner fails to approve the plan, he shall state his reasons for such failure in his order made on such hearing. The insurers involved in the merger shall bear the expense of the mailing of the notice of hearing and of the order on hearing.

(c) No director, officer, member, or subscriber of any such insurer, except as is expressly provided by the plan of merger or consolidation, shall receive any fee, commission, other compensation or valuable consideration whatsoever, for in any manner aiding, promoting or assisting in the merger or consolidation.

(d) Any merger or consolidation as to an incorporated domestic insurer shall in other respects be governed by the general laws of this state relating to business corporations. Except, that as to domestic mutual insurers, approval by two-thirds of its members who vote thereon pursuant to such notice and procedure as was approved by the commissioner shall constitute approval of the merger or consolidation as respects the insurer's members.

(2) Reinsurance of all or substantially all of the insurance in force of a domestic insurer by another insurer shall be deemed a consolidation for the purposes of this section. [1973 1st ex.s. c 107 § 3; 1961 c 194 § 11; 1947 c 79 § .31.01; Rem. Supp. 1947 § 45.31.01.]

Severability—1973 1st ex.s. c 107: See note following RCW 48.17.330.

Chapter 48.36
FRATERNAL

48.36.230 ANNUAL REPORTS—VALUATION OF CERTIFICATES. Every society transacting business in this state shall annually, on or before the fifteenth day of March, file with the commissioner in such form as he may require, a statement under oath of its president and secretary, or corresponding officers, of its condition and standing on the thirty-first day of December next preceding, and of its transactions for one year ending on that date, and also shall furnish such other information as the commissioner may deem necessary to a proper exhibit of its business and plan of working. The commissioner may at other times require any further statement he may deem necessary to be made relating to such society.

In addition to the annual report herein required, each society shall annually report to the commissioner in valuation of its certificates in force on the thirty-first day of December last preceding excluding those issued within the year for which the report is filed, in cases where the contributions for the first year in whole or in part are used for current mortality and expenses: PROVIDED, That the first report of valuation shall be made as of December 31, 1931. Such report of valuation shall show, as contingent liabilities, the present midyear value of the promised benefits provided in the constitution and laws of such society under certificates then subject to valuation; and as contingent assets, the present midyear value of the future net contributions provided in the constitution and laws as the same are in practice actually collected. At the option of any society in lieu of the above, the valuation may show the net value of the certificates subject to valuation hereinbefore provided, and said net value, when computed in case of monthly contributions, may be the mean of the terminal values for the end of the preceding and of the current insurance years. Such valuation shall be certified by a competent accountant or actuary, or, at the request and expense of the society, verified by the actuary of the department of insurance of the home state of the society, and shall be filed with the commissioner within ninety days after the submission of the last preceding annual report. The legal minimum standard of valuation shall be according to tables of reliable experience and in such case a separation of the funds shall not be required.

The minimum standard of valuation for all certificates issued on or after June 7, 1973 shall be four percent interest and the following tables:

(a) For certificates of life insurance, American men ultimate table of mortality, with Bowerman's or Davis' extension thereof, the commissioners 1941 standard industrial mortality table, the commissioners 1961 standard industrial mortality table, the commissioners 1941 standard ordinary mortality table, or the commissioners 1958 standard ordinary mortality table using an age not more than three years younger than the actual age of the insured for female risks;

(b) For annuity certificates, including life annuities provided or available under optional modes of settlement in such certificates, the 1937 standard annuity mortality table, annuity mortality table for 1949 ultimate, or the 1971 individual annuity mortality table, or any modification of these tables approved by the commissioner;

(c) For disability benefits issued in connection with life benefit certificate, Hunter's disability table or class III disability table (1926), modified to conform to the contractual waiting period, or

the tables of period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 disability study of the society of actuaries with due regard to the type of benefit, any tables of which for active lives shall be combined with a mortality table permitted for calculating the reserves on life insurance certificates;

(d) For accidental death benefits issued in connection with life benefit certificate, the intercompany double indemnity mortality table or the 1959 accidental death benefits table combined with a mortality table permitted for calculating the reserves for life insurance certificates; and

(e) For accident and sickness benefits, the society shall maintain an active life reserve which shall place a sound value on its liabilities under such certificates and which shall not be less, in the aggregate than the reserve according to the standards set forth in the regulations issued by the commissioner and, in no event, less than the pro rata gross unearned premium reserve for such certificates.

An annual report of such valuation and an explanation of the facts concerning the condition of the society thereby disclosed shall be printed and mailed to each beneficiary member of the society not later than June 1st of each year, or, in lieu thereof, such report of valuation and showing of the society's condition as thereby disclosed may be published in the society's official paper and the issue containing the same mailed to each beneficiary member of the society. The laws of such society shall provide that if the stated periodical contributions of its members, together with the admitted assets, are insufficient to mature its certificates in full, and to provide for the creation and maintenance of the funds required by its laws, additional, increased or extra rates of contribution shall be collected from the members to meet such deficiency; and such laws may provide that, upon the written application or consent of the member, his certificate may be charged with its proportion of any deficiency disclosed by valuation, with interest not exceeding five percent per annum. [1973 c 79 § 1; 1947 c 79 § .32.23; Rem. Supp. 1947 § 45.32.23.]

48.36.360 VALUATION—MODIFICATION OF CONTRIBUTIONS—RETURNS. [1953 c 197 § 15; 1947 c 79 § .32.36; Rem. Supp. 1947 § 45.32.36.] Repealed by 1973 c 79 § 2.

48.36.440 APPLICATION OF CHAPTER 48-18A RCW. Chapter 48.18A RCW, as from time to time amended, shall also apply as to domestic fraternal benefit societies operating on the legal reserve basis, and such a society shall be deemed to be a "life insurer" for the purpose of such chapter. [1973 1st ex.s. c 163 § 10.]

Chapter 48.44
HEALTH CARE SERVICES

48.44.020 AGREEMENT FOR SERVICES—SUBMISSION OF CONTRACT FORMS TO COMMISSIONER—GROUNDS FOR DISAPPROVAL. (1) Any

health care service contractor may enter into agreements with or for the benefit of persons or groups of persons which require prepayment for health care services by or for such persons in consideration of such health care service contractor providing one or more health care services to such persons and such activity shall not be subject to the laws relating to insurance if the health care services are rendered by the health care service contractor or by a participant.

(2) The commissioner may require the submission of contract forms for his examination and may on examination, subject to the right of the health care service contractor to demand and receive a hearing under chapters 48.04 and 34.04 RCW, disapprove any contract form for any of the following grounds:

(a) If it contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the contract; or

(b) If it has any title, heading or other indication of its provisions which is misleading; or

(c) If purchase of health care services thereunder is being solicited by deceptive advertising; or

(d) If, the benefits provided therein are unreasonable in relation to the amount charged for the contract;

(e) If it contains unreasonable restrictions on the treatment of patients; or

(f) If it fails to conform to minimum provisions or standards required by regulation made by the commissioner pursuant to chapter 34.04 RCW. [1973 1st ex.s. c 65 § 1; 1969 c 115 § 1; 1961 c 197 § 2; 1947 c 268 § 2; Rem. Supp. 1947 § 6131-11.]

48.44.160 REVOCATION, SUSPENSION, REFUSAL OF REGISTRATION—NOTICE AND HEARING REQUIRED—CEASE AND DESIST ORDERS, INJUNCTIVE ACTION—GROUNDS. The insurance commissioner may, after notice and hearing, pursuant to chapters 48.04 and 34.04 RCW, revoke, suspend, or refuse to accept or renew registration from any health care service contractor, or he may issue a cease and desist order, or bring an action in any court of competent jurisdiction to enjoin a health care service contractor from doing further business in this state, if such health care service contractor:

(1) Fails to comply with any provision of chapter 48.44 RCW or any proper order or regulation of the commissioner.

(2) Is found by the commissioner to be in such financial condition that its further transaction of business in this state would jeopardize the payment of claims and refunds to subscribers.

(3) Has refused to remove or discharge a director or officer who has been convicted of any crime involving fraud, dishonesty, or like moral turpitude, after written request by the commissioner for such removal, and expiration of a reasonable time therefor as specified in such request.

(4) Usually compels claimants under contracts either to accept less than the amount due them or to bring suit against it to secure full payment of the amount due.

(5) Is affiliated with and under the same general management, or interlocking directorate, or ownership as another health care contractor which operates in this state without having registered therefor, except as is permitted by this chapter.

(6) Refuses to be examined, or if its directors, officers, employees or representatives refuse to submit to examination or to produce its accounts, records, and files for examination by the commissioner when required, or refuse to perform any legal obligation relative to the examination.

(7) Fails to pay any final judgment rendered against it in this state upon any contract, bond, recognizance, or undertaking issued or guaranteed by it, within thirty days after the judgment became final or within thirty days after time for taking an appeal has expired, or within thirty days after dismissal of an appeal before final determination, whichever date is the later.

(8) Is found by the commissioner, after investigation or upon receipt of reliable information, to be managed by persons, whether by its directors, officers, or by any other means, who are incompetent or untrustworthy or so lacking in health care contracting or related managerial experience as to make the operation hazardous to the subscribing public; or that there is good reason to believe it is affiliated directly or indirectly through ownership, control, or other business relations, with any person or persons whose business operations are or have been marked, to the detriment of policyholders or stockholders, or investors or creditors or subscribers or of the public, by bad faith or by manipulation of assets, or of accounts, or of reinsurance. [1973 1st ex.s. c 65 § 2; 1969 c 115 § 3; 1961 c 197 § 13.]

48.44.162 REVOCATION, SUSPENSION, REFUSAL OF AGENT'S LICENSE—GROUNDS. The commissioner may suspend, revoke or refuse to issue or renew any agent's license which is issued or may be issued under this chapter, subject to the right of the

licensee or applicant to demand and receive a hearing pursuant to chapters 48.04 and 34.04 RCW, in accordance with the procedure set forth in RCW 48.17.540, for any of the following causes if the licensee or applicant:

(1) Wilfully violates or knowingly participates in the violation of any provision of this chapter, or any proper order or regulation of the commissioner.

(2) Has attempted to obtain a license through misrepresentation or fraud.

(3) Has misappropriated or converted to his own use or has illegally withheld moneys paid to him in connection with a health care service contract.

(4) Has been convicted by final judgment of a felony.

(5) Has, with intent to deceive, materially misrepresented the terms or effect of any health care service contract, or has engaged or is about to engage in any fraudulent transaction.

(6) Has represented a health care service contractor unlawfully doing business here without being licensed therefor.

(7) Has shown himself to be incompetent, untrustworthy, or an actual or potential source of loss or injury to the public. [1973 1st ex.s. c 65 § 3; 1969 c 115 § 9.]

48.44.230 INDIVIDUAL HEALTH SERVICE PLAN CONTRACT—RETURN WITHIN TEN DAYS OF PURPOSE—VOID AB INITIO. Every subscriber of an individual health care service plan contract issued after September 1, 1973, may return the contract to the health care service contractor or the agent through whom it was purchased within ten days of its delivery to the subscriber if, after examination of the contract, he is not satisfied with it for any reason, and the health care service contractor shall refund promptly any fee paid for such contract. Upon such return of the contract it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued. Notice of the substance of this section shall be printed on the face of each such contract or be attached thereto. [1973 1st ex.s. c 65 § 4.]

TITLE 49 LABOR REGULATIONS

Sections added, amended, or repealed:

Chapter 49.12 Industrial Welfare.
[Formerly Female and Child Labor.]

49.12.005 Definitions.
49.12.010 Declaration.
49.12.020 Conditions of employment—Wages.
49.12.030 Industrial welfare commission.
49.12.031 Industrial welfare committee.

- 49.12.033 Administration and enforcement of chapter by director of labor and industries.
- 49.12.035 Meetings of industrial welfare committee.
- 49.12.040 Duties of committee.
- 49.12.041 Investigation of wages, hours and working conditions—Statements, inspections and examinations authorized.
- 49.12.050 Employer's record of employees.
- 49.12.060 Minors defined—1913 Act.
- 49.12.070 Hearings—Oaths and witnesses—Fees.
- 49.12.080 Conference to investigate conditions—Minimum wage may be set.
- 49.12.090 Committee to fix minimum wages for women.
- 49.12.091 Investigation information to be furnished committee—Findings—Rules prescribing minimum wages, working conditions.
- 49.12.100 Reopening of hearing.
- 49.12.101 Hearings.
- 49.12.105 Variance orders—Application—Issuance—Contents—Termination.
- 49.12.110 Exceptions to minimum scale—Special certificate or permit.
- 49.12.120 Wages and conditions for minors—Order.
- 49.12.121 Wages and working conditions of minors—Special rules—Work permits.
- 49.12.123 Work permits for minors required.
- 49.12.160 Appeal—Scope of review.
- 49.12.161 Appeals.
- 49.12.170 Penalty.
- 49.12.185 Exemptions from chapter.
- 49.12.187 Collective bargaining rights not affected.
- 49.12.190 Women and minors in telephone industry.
- 49.12.215 Seats to be provided—1890 Act.
- 49.12.217 Seats to be provided—Penalty.
- 49.12.220 Seats to be provided—1911 Act.
- 49.12.230 Seats to be provided—Penalty.
- 49.12.900 Severability—1973 2nd ex.s. c 16.
- Chapter 49.16 Safety—Extrahazardous Employment.
- 49.16.010 through 49.16.160.
- Chapter 49.17 Washington Industrial Safety and Health Act.
- 49.17.010 Purpose.
- 49.17.020 Definitions.
- 49.17.030 Application of chapter—Fees and charges.
- 49.17.040 Rules and regulations—Authority—Procedure.
- 49.17.050 Rules and regulations—Guidelines—Standards.
- 49.17.060 Employers—General safety standard—Compliance.
- 49.17.070 Right of entry—Inspections and investigations—Subpoenas—Contempt.
- 49.17.080 Variances from safety and health standards—Application—Contents—Procedure.
- 49.17.090 Variances from safety and health standards—Notice—Hearing—Order—Modification or revocation.
- 49.17.100 Inspections—Employer and employee representatives.
- 49.17.110 Compliance by employees—Violations—Notice—Review.
- 49.17.120 Violations—Citations.
- 49.17.130 Violations—Dangerous conditions—Citations and orders of immediate restraint—Restraining orders.
- 49.17.140 Appeal to board—Citation or notification of assessment of penalty—Final order—Procedure—Redetermination—Hearing.
- 49.17.150 Appeal to superior court—Review or enforcement of orders.
- 49.17.160 Discrimination against employee filing complaint, instituting proceedings or testifying prohibited—Procedure—Remedy.
- 49.17.170 Injunctions—Temporary restraining orders.
- 49.17.180 Violations—Civil penalties.
- 49.17.190 Violations—Criminal penalties.
- 49.17.200 Confidentiality—Trade secrets.
- 49.17.210 Research, experiments and demonstrations for safety purposes—Variances.
- 49.17.220 Records—Reports—Notice to employee exposed to harmful materials.
- 49.17.230 Compliance with federal act—Agreements and acceptance of grants authorized.
- 49.17.240 Safety and health standards.
- 49.17.250 Voluntary compliance program—Consultation and advisory services.
- 49.17.260 Statistics—Investigations—Reports.
- 49.17.270 Administration of chapter.
- 49.17.900 Short title.
- 49.17.910 Severability—1973 c 80.
- Chapter 49.20 Health and Safety—Factories, Mills, Workshops.
- 49.20.010 through 49.20.110
- Chapter 49.24 Health and Safety—Underground Workers.
- 49.24.070 Enforcement.
- 49.24.080 Requirements for underground labor.
- 49.24.110 Exhaust valves.
- Chapter 49.26 Health and Safety—Asbestos Use.
- 49.26.010 Legislative declaration.
- 49.26.020 Asbestos use standards.

- 49.26.030 Containers for asbestos products.
 49.26.040 Regulations—Enforcement.
 49.26.900 Severability—1973 c 30.

Chapter 49.04
 APPRENTICESHIP

Cross Reference:

License to practice barbering—When final examination not required: RCW 18.15.045.

Chapter 49.28 Hours of Labor.

- 49.28.070 Eight hour day for females—Commission established—Defense production permits.

Chapter 49.12
 INDUSTRIAL WELFARE

[FORMERLY: FEMALE AND CHILD LABOR]

Chapter 49.44 Violations—Prohibited Practices.

- 49.44.120 Requiring lie detector tests.

Chapter 49.46 Minimum Wage Act.

- 49.46.020 Minimum hourly wage.

Chapter 49.60 Law Against Discrimination.

- 49.60.010 Purpose of chapter.
 49.60.020 Construction of chapter—Election of other remedies.
 49.60.030 Freedom from discrimination—Declaration of civil rights.
 49.60.040 Definitions.
 49.60.120 Certain powers and duties of board.
 49.60.130 May create advisory agencies and conciliation councils.
 49.60.175 Unfair practices of financial institutions.
 49.60.176 Unfair practices with respect to credit transactions.
 49.60.178 Unfair practices with respect to insurance transactions.
 49.60.180 Unfair practices of employer defined.
 49.60.190 Unfair practices of labor unions defined.
 49.60.200 Unfair practices of employment agencies.
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 49.60.225 Award to complainant for loss of rights secured.

Chapter 49.66 Health Care Activities.

- 49.66.010 Purpose—Policy—Declaration.
 49.66.020 Definitions.
 49.66.030 Bargaining units.
 49.66.050 Unfair labor practices by employee organizations or agents.
 49.66.070 Relief from unfair labor practices—Actions—Remedial orders.
 49.66.080 Rules and regulations—Procedures.
 49.66.090 Board of arbitration—Members—Selection—Chairman.
 49.66.120 Arbitrators—Compensation—Expenses.

49.12.005 DEFINITIONS. For the purposes of this chapter:

(1) The term "department" means the department of labor and industries.

(2) The term "director" means the director of the department of labor and industries, or his designated representative.

(3) The term "employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees.

(4) The term "employee" means an employee who is employed in the business of his employer whether by way of manual labor or otherwise.

(5) The term "conditions of labor" shall mean and include the conditions of rest and meal periods for employees including provisions for personal privacy, practices, methods and means by or through which labor or services are performed by employees and includes bona fide physical qualifications in employment, but shall not include conditions of labor otherwise governed by statutes and rules and regulations relating to industrial safety and health administered by the department.

(6) For the purpose of *this 1973 amendatory act a minor is defined to be a person of either sex under the age of eighteen years.

(7) The term "committee" shall mean the industrial welfare committee. [1973 2nd ex.s. c 16 § 1.]

*Reviser's note: "this 1973 amendatory act" [1973 2nd ex.s. c 16] consists of amendments to RCW 43.22.260, 43.22.270, 43.22.280, 49.12.010, 49.12.020, 49.12.050, 49.12.110 and 49.12.170, to new sections codified as RCW 49.12.005, 49.12.035, 49.12.041, 49.12.091, 49.12.101, 49.12.105, 49.12.121, 49.12.161, 49.12.185, 49.12.187, and 49.12.900, and to the repeal of RCW 49.12.030, 49.12.040, 49.12.060-49.12.100, 49.12.120, 49.12.160, 49.12.190 and 49.12.215-49.12.230.

49.12.010 DECLARATION. The welfare of the state of Washington demands that all employees be protected from conditions of labor which have a pernicious effect on their health. The state of Washington,

therefore, exercising herein its police and sovereign power declares that inadequate wages and unsanitary conditions of labor exert such pernicious effect. [1973 2nd ex.s. c 16 § 2; 1913 c 174 § 1; RRS § 7623.]

49.12.020 CONDITIONS OF EMPLOYMENT—WAGES. It shall be unlawful to employ any person in any industry or occupation within the state of Washington under conditions of labor detrimental to their health; and it shall be unlawful to employ workers in any industry within the state of Washington at wages which are not adequate for their maintenance. [1973 2nd ex.s. c 16 § 3; 1913 c 174 § 2; RRS § 7624.]

49.12.030 INDUSTRIAL WELFARE COMMISSION. [1913 c 174 § 3; RRS § 7624 1/2.] Repealed by 1973 2nd ex.s. c 16 § 19.

49.12.031 INDUSTRIAL WELFARE COMMITTEE. See RCW 43.22.280.

49.12.033 ADMINISTRATION AND ENFORCEMENT OF CHAPTER BY DIRECTOR OF LABOR AND INDUSTRIES. See RCW 43.22.270 (5).

49.12.035 MEETINGS OF INDUSTRIAL WELFARE COMMITTEE. The industrial welfare committee shall meet at least annually and at such other times as may be reasonably necessary for the purpose of reviewing rules and regulations fixing minimum wages and standards, conditions and hours of labor and for the purpose of proposing the amendment, repeal or adoption of new rules and regulations. [1973 2nd ex.s. c 16 § 10.]

49.12.040 DUTIES OF COMMITTEE. [1913 c 174 § 6; RRS § 7625. FORMER PART OF SECTION: 1913 c 174 § 15; RRS § 7634 now codified as 4, fies, fied RCW 49.12.125.] Repealed by 1973 2nd ex.s. 16 § 19.

49.12.041 INVESTIGATION OF WAGES, HOURS AND WORKING CONDITIONS—STATEMENTS, INSPECTIONS AND EXAMINATIONS AUTHORIZED. It shall be the responsibility of the industrial welfare committee, with the aid and assistance of the director, to investigate the wages, hours and conditions of employment of all employees, including minors, except as may otherwise be provided in *this 1973 amendatory act. The director, or his authorized representative, shall have full authority to require statements from all employers, relative to wages, hours and working conditions and to inspect the books, records and physical facilities of all employers subject to

*this 1973 amendatory act. Such examinations shall take place within normal working hours, within reasonable limits and in a reasonable manner. [1973 2nd ex.s. c 16 § 5.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 49.12.005.

49.12.050 EMPLOYER'S RECORD OF EMPLOYEES. Every employer shall keep a record of the names of all employees employed by him, and shall on request permit the committee or any of its members or authorized representatives to inspect such record. [1973 2nd ex.s. c 16 § 14; 1913 c 174 § 7; RRS § 7626.]

49.12.060 MINORS DEFINED—1913 ACT. [1913 c 174 § 8; RRS § 7627.] Repealed by 1973 2nd ex.s. c 16 § 19.

49.12.070 HEARINGS—OATHS AND WITNESSES—FEES. [1913 c 174 § 9; RRS § 7628.] Repealed by 1973 2nd ex.s. c 16 § 19.

49.12.080 CONFERENCE TO INVESTIGATE CONDITIONS—MINIMUM WAGE MAY BE SET. [1913 c 174 § 10; RRS § 7629.] Repealed by 1973 2nd ex.s. c 16 § 19.

49.12.090 COMMITTEE TO FIX MINIMUM WAGES FOR WOMEN. [1913 c 174 § 11; RRS § 7630.] Repealed by 1973 2nd ex.s. c 16 § 19.

49.12.091 INVESTIGATION INFORMATION TO BE FURNISHED COMMITTEE—FINDINGS—RULES PRESCRIBING MINIMUM WAGES, WORKING CONDITIONS. After an investigation has been conducted by the director of labor and industries of wages, hours and conditions of labor subject to *this 1973 amendatory act, the industrial welfare committee shall be furnished with all information relative to such investigation of wages, hours and working conditions, including current statistics on wage rates in all occupations subject to the provisions of *this 1973 amendatory act. Within a reasonable time thereafter, if the committee finds that in any occupation, trade or industry, subject to *this 1973 amendatory act, the wages paid to employees are inadequate to supply the necessary cost of living, but not to exceed the state minimum wage as prescribed in RCW 49.46-.020, as now or hereafter amended, or that the conditions of labor are detrimental to the health of employees, the committee shall have authority to prescribe rules and regulations for the purpose of adopting minimum wages for occupations not otherwise governed by minimum wage requirements fixed by state or federal

statute, or a rule or regulation promulgated pursuant to such statute, and, at the same time have the authority to prescribe rules and regulations fixing standards, conditions and hours of labor for the protection of the safety, health and welfare of employees for all or specified occupations subject to *this 1973 amendatory act. Thereafter, the committee shall conduct a public hearing in accordance with the procedures of the administrative procedure act, chapter 34-.04 RCW, for the purpose of the adoption of rules and regulations fixing minimum wages and standards, conditions and hours of labor subject to the provisions of *this act. After such rules become effective, copies thereof shall be supplied to employers who may be affected by such rules and such employers shall post such rules, where possible, in such place or places, reasonably accessible to all employees of such employer. After the effective date of such rules, it shall be unlawful for any employer in any occupation subject to *this 1973 amendatory act to employ any person for less than the rate of wages specified in such rules or under conditions and hours of labor prohibited for any occupation specified in such rules: PROVIDED, That this section shall not apply to sheltered workshops. [1973 2nd ex.s. c 16 § 6.]

*Reviser's note: "this 1973 amendatory act", "this act", see note following RCW 49.12.005.

49.12.100 REOPENING OF HEARING. [1943 c 192 § 1; 1913 c 174 § 12; Rem. Supp. 1943 § 7631.] Repealed by 1973 2nd ex.s. c 16 § 19.

49.12.101 HEARINGS. Whenever wages, standards, conditions and hours of labor have been established by rule and regulation of the committee, the committee may upon application of either employers or employees conduct a public hearing for the purpose of the adoption, amendment or repeal of rules and regulations promulgated under the authority of *this 1973 amendatory act. [1973 2nd ex.s. c 16 § 7.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 49.12.005.

49.12.105 VARIANCE ORDERS--APPLICATION--ISSUANCE--CONTENTS--TERMINATION. An employer may apply to the committee for an order for a variance from any rule or regulation establishing a standard for wages, hours, or conditions of labor promulgated by the committee under this chapter. The committee shall issue an order granting a variance if it determines or decides that the applicant for the variance has shown good cause for the lack

of compliance. Any order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, standards and processes which he must adopt and utilize to the extent they differ from the standard in question. At any time the committee may terminate and revoke such order, provided the employer was notified by the committee of the termination at least thirty days prior to said termination. [1973 2nd ex.s. c 16 § 8.]

49.12.110 EXCEPTIONS TO MINIMUM SCALE--SPECIAL CERTIFICATE OR PERMIT. For any occupation in which a minimum wage has been established, the committee through its secretary may issue to an employer, a special certificate or permit for an employee who is physically or mentally defective or crippled by age or otherwise, or to a trainee or learner not otherwise subject to the jurisdiction of the apprenticeship council, a special certificate or permit authorizing the employment of such employee for a wage less than the legal minimum wage; and the committee shall fix the minimum wage for said person, such special certificate or permit to be issued only in such cases as the committee may decide the same is applied for in good faith and that such certificate or permit shall be in force for such length of time as the said committee shall decide and determine is proper. [1973 2nd ex.s. c 16 § 13; 1913 c 174 § 13; RRS § 7632.]

49.12.120 WAGES AND CONDITIONS FOR MINORS--ORDER. [1949 c 195 § 1; 1913 c 174 § 14; Rem. Supp. 1949 § 7633.] Repealed by 1973 2nd ex.s. c 16 § 19.

49.12.121 WAGES AND WORKING CONDITIONS OF MINORS--SPECIAL RULES--WORK PERMITS. The committee, or the director, may at any time inquire into wages, hours, and conditions of labor of minors employed in any trade, business or occupation in the state of Washington and may adopt special rules for the protection of the safety, health and welfare of minor employees, such minimum wages not to exceed the state minimum wage as prescribed in RCW 49.46-.020, as now or hereafter amended. The committee shall issue work permits to employers for the employment of minors, after being assured the proposed employment of a minor meets the standards set forth concerning the health, safety and welfare of minors as set forth in the rules and regulations promulgated by the committee. No minor person shall be employed in any occupation, trade or industry subject to *this 1973 amendatory act, unless a work permit has been properly issued, with the consent of the parent, guardian or other person having legal custody of the minor and with the approval

of the school which such minor may then be attending. [1973 2nd ex.s. c 16 § 15.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 49.12.005.

49.12.123 WORK PERMITS FOR MINORS REQUIRED. In implementing state policy to assure the attendance of children in the public schools it shall be required of any person, firm or corporation employing any minor under the age of eighteen years to obtain a work permit as set forth in RCW 49.12.120 and keep such permit on file during the employment of such minor, and upon termination of such employment of such minor to return such permit to the industrial welfare committee of the department of labor and industries. [1973 c 51 § 3.]

Severability—1973 c 51: See note following RCW 28A.27.010.

49.12.160 APPEAL—SCOPE OF REVIEW. [1913 c 174 § 19; RRS § 7639.] Repealed by 1973 2nd ex.s. c 16 § 19.

49.12.161 APPEALS. Any person, firm, or corporation feeling aggrieved of any action taken or decision made by an officer or employee of the department in the enforcement of *this act may appeal such action or decision to the industrial welfare committee by filing notice of such appeal within thirty days of such action or decision. Such appeal shall be done in accordance with the rules of procedure for the process of appeals, such rules to be promulgated by the industrial welfare committee. The notice of appeal shall suspend such action or decision pending the determination of the appeal by the industrial welfare committee. The said committee shall review the record, accept and consider written briefs and may hear oral arguments regarding the appeal. The said committee shall decide the questions raised by the appeal on the merits and shall notify all parties in writing of its decision, which shall be final and binding upon all parties, subject to judicial review at the instance of a losing party pursuant to chapter 34.04 RCW, the administrative procedure act. [1973 2nd ex.s. c 16 § 9.]

*Reviser's note: "this act", see note following RCW 49.12.005.

49.12.170 PENALTY. Any employer employing any person for whom a minimum wage or standards, conditions, and hours of labor have been specified, at less than said minimum wage, or under standards, or conditions of labor or at hours of labor prohibited by the rules and regulations of

the committee; or violating any other of the provisions of *this 1973 amendatory act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one thousand dollars. [1973 2nd ex.s. c 16 § 16; 1913 c 174 § 17; RRS § 7636.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 49.12.005.

49.12.185 EXEMPTIONS FROM CHAPTER. *This 1973 amendatory act shall not apply to newspaper vendors or carriers and domestic or casual labor in or about private residences and agricultural labor as defined in RCW 50.04.150, as now or hereafter amended. [1973 2nd ex.s. c 16 § 17.]

*Reviser's note: "This 1973 amendatory act", see note following RCW 49.12.005.

49.12.187 COLLECTIVE BARGAINING RIGHTS NOT AFFECTED. This chapter shall not be construed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing concerning wages or standards or conditions of employment. [1973 2nd ex.s. c 16 § 18.]

49.12.190 WOMEN AND MINORS IN TELEPHONE INDUSTRY. [1917 c 29 § 1; 1915 c 68 § 1; RRS § 7641.] Repealed by 1973 2nd ex.s. c 16 § 19.

49.12.215 SEATS TO BE PROVIDED—1890 ACT. [1890 p 104 § 1; RRS § 7615, part.] Repealed by 1973 2nd ex.s. c 16 § 19.

49.12.217 SEATS TO BE PROVIDED—PENALTY. [1890 p 104 § 2; RRS § 7615, part.] Repealed by 1973 2nd ex.s. c 16 § 19.

49.12.220 SEATS TO BE PROVIDED—1911 ACT. [1911 c 37 § 2; RRS 7617. Cf. 1901 c 68 § 2.] Repealed by 1973 2nd ex.s. c 16 § 19.

49.12.230 SEATS TO BE PROVIDED—PENALTY. [1911 c 37 § 3; RRS § 7619. Cf. 1901 c 68 § 3.] Repealed by 1973 2nd ex.s. c 16 § 19.

49.12.900 SEVERABILITY—1973 2ND EX.S. C 16. If any provision of this 1973 amendatory act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or

circumstances is not affected. [1973 2nd ex.s. c 16 § 20.]

Chapter 49.16
SAFETY—EXTRAHAZARDOUS EMPLOYMENT

49.16.010 DEFINITIONS. [1957 c 70 § 2. Prior: (i) 1939 c 41 § 2, part; 1929 c 132 § 1, part; 1927 c 310 § 2, part; 1921 c 182 § 2, part; 1919 c 131 § 2, part; 1917 c 120 § 1, part; 1911 c 74 § 3, part; RRS § 7675, part. (ii) 1919 c 130 § 2; RRS § 7728. (iii) 1919 c 130 § 3; RRS § 7729. (iv) 1919 c 130 § 22; RRS § 7748.] Repealed by 1973 c 80 § 28.

49.16.020 APPLICATION OF CHAPTER. [1919 c 130 § 1; RRS § 7727.] Repealed by 1973 c 80 § 28.

49.16.030 WORKMEN TO BE SAFEGUARDED—DUTY OF EMPLOYER. [1919 c 130 § 4; RRS 7730.] Repealed by 1973 c 80 § 28.

49.16.040 DUTY OF WORKMEN—PENALTY. [1919 c 130 § 5; RRS 7731.] Repealed by 1973 c 80 § 28.

49.16.050 SAFETY STANDARDS TO BE PROMULGATED. [1919 c 130 § 8; RRS § 7734.] Repealed by 1973 c 80 § 28.

49.16.060 UNIFORMITY IN STANDARDS. [1919 c 130 § 20; RRS § 7746.] Repealed by 1973 c 80 § 28.

49.16.070 RECOMMENDATIONS BY EMPLOYERS OR WORKMEN. [1919 c 130 § 21; RRS § 7747.] Repealed by 1973 c 80 § 28.

49.16.080 HEARINGS ON ESTABLISHMENT OF STANDARDS. [1919 c 130 § 23; RRS § 7749.] Repealed by 1973 c 80 § 28.

49.16.090 WRITTEN NOTICE—POSTING. [1923 c 136 § 12; 1919 c 130 § 25; RRS § 7751.] Repealed by 1973 c 80 § 28.

49.16.100 INFORMALITIES SHALL NOT INVALIDATE—REQUIREMENTS AS TO SPECIAL STANDARDS. [1919 c 130 § 26; RRS § 7752.] Repealed by 1973 c 80 § 28.

49.16.110 NO INSPECTION FEE. [1919 c 130 § 37; RRS § 7763.] Repealed by 1973 c 80 § 28.

49.16.120 DUTY OF DEPARTMENT—INSPECTIONS. [1923 c 136 § 13; 1919 c 130 § 50; RRS § 7774.] Repealed by 1973 c 80 § 28.

49.16.130 REVIEW. [1919 c 130 § 67; RRS § 7788.] Repealed by 1973 c 80 § 28.

49.16.150 MUNICIPAL REGULATIONS, EFFECT OF CHAPTER UPON. [1919 c 130 § 73; RRS § 7794.] Repealed by 1973 c 80 § 28.

49.16.151 PENALTY. [1943 c 186 § 1; 1923 c 136 § 14; 1921 c 182 § 13; Rem. Supp. 1943 § 7775.] Repealed by 1973 c 80 § 28.

49.16.160 SAFEGUARD REGULATIONS PRE-SERVED. [1911 c 74 § 30; RRS § 7709.] Repealed by 1973 c 80 § 28.

Chapter 49.17
WASHINGTON INDUSTRIAL SAFETY AND HEALTH ACT

49.17.010 PURPOSE. The legislature finds that personal injuries and illnesses arising out of conditions of employment impose a substantial burden upon employers and employees in terms of lost production, wage loss, medical expenses, and payment of benefits under the industrial insurance act. Therefore, in the public interest for the welfare of the people of the state of Washington and in order to assure, insofar as may reasonably be possible, safe and healthful working conditions for every man and woman working in the state of Washington, the legislature in the exercise of its police power, and in keeping with the mandates of Article II, section 35 of the state Constitution, declares its purpose by the provisions of this chapter to create, maintain, continue, and enhance the industrial safety and health program of the state, which program shall equal or exceed the standards prescribed by the Occupational Safety and Health Act of 1970 (Public Law 91-596, 84 Stat. 1590). [1973 c 80 § 1.]

49.17.020 DEFINITIONS. For the purposes of this chapter:

(1) The term "director" means the director of the department of labor and industries, or his designated representative.

(2) The term "department" means the department of labor and industries.

(3) The term "employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or

more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: PROVIDED, That any person, partnership, or business entity not having employees, and who is covered by the industrial insurance act shall be considered both an employer and an employee.

(4) The term "employee" means an employee of an employer who is employed in the business of his employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is his personal labor for an employer under this chapter whether by way of manual labor or otherwise.

(5) The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(6) The term "safety and health standard" means a standard which requires the adoption or use of one or more practices, means, methods, operations, or processes reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

(7) The term "work place" means any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all work places covered by industrial insurance under Title 51 RCW, as now or hereafter amended.

(8) The term "working day" means a calendar day, except Saturdays, Sundays, and all legal holidays as set forth in RCW 1.16.050, as now or hereafter amended, and for the purposes of the computation of time within which an act is to be done under the provisions of this chapter, shall be computed by excluding the first working day and including the last working day. [1973 c 80 § 2.]

49.17.030 APPLICATION OF CHAPTER--FEES AND CHARGES. This chapter shall apply with respect to employment performed in any work place within the state. The department of labor and industries shall provide by rule for a schedule of fees and charges to be paid by each employer subject to this chapter who is not subject to or obtaining coverage under the industrial insurance laws and who is not a self-insurer. The fees and charges collected shall be for the purpose of defraying such employer's pro rata share of the expenses of enforcing and administering this chapter. [1973 c 80 § 3.]

49.17.040 RULES AND REGULATIONS--AUTHORITY--PROCEDURE. The director shall make, adopt, modify, and repeal rules and regulations governing safety and health standards for conditions of employment as authorized by this chapter after a public hearing in conformance with the administrative procedure act and the provisions of this chapter. At least thirty days prior to such public hearing, the director shall cause public notice of such hearing to be made in newspapers of general circulation in this state, of the date, time, and place of such public hearing, along with a general description of the subject matter of the proposed rules and information as to where copies of any rules and regulations proposed for adoption may be obtained and with a solicitation for recommendations in writing or suggestions for inclusion or changes in such rules to be submitted not later than five days prior to such public hearing. Any preexisting rules adopted by the department of labor and industries relating to health and safety standards in work places subject to the jurisdiction of the department shall remain effective insofar as such rules are not inconsistent with the provisions of this chapter. [1973 c 80 § 4.]

49.17.050 RULES AND REGULATIONS--GUIDELINES--STANDARDS. In the adoption of rules and regulations under the authority of this chapter, the director shall:

(1) Provide for the preparation, adoption, amendment, or repeal of rules and regulations of safety and health standards governing the conditions of employment of general and special application in all work places;

(2) Provide for the adoption of occupational health and safety standards which are at least as effective as those adopted or recognized by the United States secretary of labor under the authority of the Occupational Safety and Health Act of 1970 (Public Law 91-596; 84 Stat. 1590);

(3) Provide a method of encouraging employers and employees in their efforts to reduce the number of safety and health hazards at their work places and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

(4) Provide for the promulgation of health and safety standards and the control of conditions in all work places concerning gases, vapors, dust, or other airborne particles, toxic materials, or harmful physical agents which shall set a standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life; any such standards

shall require where appropriate the use of protective devices or equipment and for monitoring or measuring any such gases, vapors, dust, or other airborne particles, toxic materials, or harmful physical agents;

(5) Provide for appropriate reporting procedures by employers with respect to such information relating to conditions of employment which will assist in achieving the objectives of this chapter;

(6) Provide for the frequency, method, and manner of the making of inspections of work places without advance notice; and,

(7) Provide for the publication and dissemination to employers, employees, and labor organizations and the posting where appropriate by employers of informational, education, or training materials calculated to aid and assist in achieving the objectives of this chapter;

(8) Provide for the establishment of new and the perfection and expansion of existing programs for occupational safety and health education for employers and employees, and, in addition institute methods and procedures for the establishment of a program for voluntary compliance solely through the use of advice and consultation with employers and employees with recommendations including recommendations of methods to abate violations relating to the requirements of this chapter and all applicable safety and health standards and rules and regulations promulgated pursuant to the authority of this chapter;

(9) Provide for the adoption of safety and health standards requiring the use of safeguards in trenches and excavations and around openings of hoistways, hatchways, elevators, stairways, and similar openings;

(10) Provide for the promulgation of health and safety standards requiring the use of safeguards for all vats, pans, trimmers, cut off, gang edger, and other saws, planers, presses, formers, cogs, gearing, belting, shafting, coupling, set screws, live rollers, conveyors, mangles in laundries, and machinery of similar description, which can be effectively guarded with due regard to the ordinary use of such machinery and appliances and the danger to employees therefrom, and with which the employees of any such work place may come in contact while in the performance of their duties and prescribe methods, practices, or processes to be followed by employers which will enhance the health and safety of employees in the performance of their duties when in proximity to machinery or appliances mentioned in this subsection. [1973 c 80 § 5.]

49.17.060 EMPLOYERS—GENERAL SAFETY STANDARD—COMPLIANCE. Each employer:

(1) Shall furnish to each of his employees a place of employment free from recognized hazards that are causing or likely to cause serious injury or death to

his employees: PROVIDED, That no citation or order assessing a penalty shall be issued to any employer solely under the authority of this subsection except where no applicable rule or regulation has been adopted by the department covering the unsafe or unhealthful condition of employment at the work place; and

(2) Shall comply with the rules, regulations, and orders promulgated under this chapter. [1973 c 80 § 6.]

49.17.070 RIGHT OF ENTRY—INSPECTIONS AND INVESTIGATIONS—SUBPOENAS—CONTEMPT. The director, or his authorized representative, in carrying out his duties under this chapter, upon the presentation of appropriate credentials to the owner, manager, operator, or agent in charge, is authorized:

(1) To enter without delay and at all reasonable times the factory, plant, establishment, construction site, or other area, work place, or environment where work is performed by an employee of an employer; and

(2) To inspect, survey, and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such work place and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent, or employee;

(3) In making inspections and making investigations under this chapter the director may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the superior courts. In the case of contumacy, failure, or refusal of any person to obey such an order, any superior court within the jurisdiction of which such person is found, or resides, or transacts business, upon the application of the director, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof. [1973 c 80 § 7.]

49.17.080 VARIANCES FROM SAFETY AND HEALTH STANDARDS—APPLICATION—CONTENTS—PROCEDURE. (1) Any employer may apply to the director for a temporary order granting a variance from any safety and health standard promulgated by rule or regulation under the authority of this chapter. Such temporary order shall be granted only if the employer files an application which meets the requirements of subsection (2) of this section and establishes that the employer is unable to comply with a safety

or health standard because of the unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the safety and health standard or because necessary construction or alteration of facilities cannot be completed by the effective date of such safety and health standard, that he is taking all available steps to safeguard his employees against the hazards covered by the safety and health standard, and he has an effective program for coming into compliance with such safety and health standard as quickly as practicable. Any temporary order issued under the authority of this subsection shall prescribe the practices, means, methods, operations, and processes which the employer must adopt and use while the order is in effect and state in detail his program for coming into compliance with the safety and health standard. Such a temporary order may be granted only after notice to employees and an opportunity for a hearing upon request of the employer or any affected employee. The name of any affected employee requesting a hearing under the provisions of this subsection shall be confidential and shall not be disclosed without the consent of such employee. The director may issue one interim order to be effective until a determination is made or a decision rendered if a hearing is demanded. No temporary order may be in effect for longer than the period needed by the employer to achieve compliance with the standard, or one year, whichever is shorter, except that such an order may be renewed not more than twice, so long as the requirements of this subsection are met and if an application for renewal is filed at least ninety days prior to the expiration date of the order. No renewal of a temporary order may remain in effect for longer than one hundred eighty days.

(2) An application for a temporary order under this section shall contain:

(a) A specification of the safety and health standard or portion thereof from which the employer seeks a variance;

(b) A representation by the employer, supported by representations from qualified persons having first hand knowledge of the facts represented, that he is unable to comply with the safety and health standard or portion thereof and a detailed statement of the reasons therefor;

(c) A statement of the steps the employer has taken and will take, with specific dates, to protect employees against the hazard covered by the standard;

(d) A statement as to when the employer expects to be able to comply with the standard or portion thereof and what steps he has taken and will take, with dates specified, to come into compliance with the standard; and

(e) A certification that the employer, by the date of mailing or delivery of the

application to the director, has informed his employees of the application by providing a copy thereof to his employees or their authorized representative by posting a copy of such application in a place or places reasonably accessible to all employees or by other appropriate means of notification and by mailing a copy to the authorized representative of such employees; the application shall set forth the manner in which the employees have been so informed. The application shall also advise employees and their employee representatives of their right to apply to the director to conduct a hearing upon the application for a variance. [1973 c 80 § 8.]

49.17.090 VARIANCES FROM SAFETY AND HEALTH STANDARDS--NOTICE--HEARING--ORDER--MODIFICATION OR REVOCATION. Any employer may apply to the director for an order for a variance from any rule or regulation establishing a safety and health standard promulgated under this chapter. Affected employees shall be given notice of each such application and in the manner prescribed by RCW 49.17.080 shall be informed of their right to request a hearing on any such application. The director shall issue such order granting a variance, after opportunity for an inspection, if he determines or decides after a hearing has been held, if request for hearing has been made, that the applicant for the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by such applicant employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the safety and health standard or standards from which the variance is sought. The order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. At any time after six months has elapsed from the date of the issuance of the order granting a variance upon application of an employer, employee, or the director on his own motion, after notice has been given in the manner prescribed for the issuance of such order may modify or revoke the order granting the variance from any standard promulgated under the authority of this chapter. [1973 c 80 § 9.]

49.17.100 INSPECTIONS--EMPLOYER AND EMPLOYEE REPRESENTATIVES. A representative of the employer and a representative employee authorized by the employees of such employer shall be given an opportunity to accompany the director, or his authorized representative, during the physical inspection of any work place for

the purpose of aiding such inspection. Where there is no authorized employee representative, the director or his authorized representative shall consult with a reasonable number of employees concerning matters of health and safety in the work place. The director may adopt procedural rules and regulations to implement the provisions of this section: PROVIDED, That neither this section, nor any other provision of this chapter, shall be construed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing concerning wages or standards or conditions of employment which equal or exceed those established under the authority of this chapter. [1973 c 80 § 10.]

49.17.110 COMPLIANCE BY EMPLOYEES—VIOLATIONS—NOTICE—REVIEW. Each employee shall comply with the provisions of this chapter and all rules, regulations, and orders issued pursuant to the authority of this chapter which are applicable to his own actions and conduct in the course of his employment. Any employee or representative of employees who in good faith believes that a violation of a safety or health standard, promulgated by rule under the authority of this chapter exists that threatens physical harm to employees, or that an imminent danger to such employees exists, may request an inspection of the work place by giving notice to the director or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or representative of employees. A copy of the notice shall be provided the employer or his agent no later than at the time of inspection, except that, upon the request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available pursuant to any provision of this chapter. If upon receipt of such notification the director determines that there are reasonable grounds to believe that such violation or danger exists, he shall make a special inspection as soon as practicable, to determine if such violation or danger exists. If the director determines there are no reasonable grounds to believe that a violation or danger exists, he shall notify the employer and the employee or representative of the employees in writing of such determination.

Prior to or during any inspection of a work place, any employee or representative of employees employed in such work place may notify the director or any representative of the director responsible for conducting the inspection, in writing, of any violation of this chapter which he has

reason to believe exists in such work place. The director shall, by rule, establish procedures for informal review of any refusal by a representative of the director to issue a citation with respect to any such alleged violation, and shall furnish the employee or representative of employees requesting such review a written statement of the reasons for the director's final disposition of the case. [1973 c 80 § 11.]

49.17.120 VIOLATIONS—CITATIONS. If upon inspection or investigation the director or his authorized representative believes that an employer has violated a requirement of RCW 49.17.060, or any safety or health standard promulgated by rule adopted by the director, or the conditions of any order granting a variance pursuant to this chapter, he shall with reasonable promptness issue a citation to the employer. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provisions of the statute, standard, rule, regulation, or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. The director may prescribe procedures for the issuance of a notice in lieu of a citation with respect to de minimis violations which have no direct or immediate relationship to safety or health. Each citation, or a copy or copies thereof, issued under the authority of this section and RCW 49.17.130 shall be prominently posted, at or near each place a violation referred to in the citation occurred or as may otherwise be prescribed in regulations issued by the director. The director shall provide by rule for procedures to be followed by an employee representative upon written application to receive copies of citations and notices issued to any employer having employees who are represented by such employee representative. Such rule may prescribe the form of such application, the time for renewal of applications, and the eligibility of the applicant to receive copies of citations and notices. No citation may be issued under this section or RCW 49.17.130 after the expiration of six months following a compliance inspection, investigation, or survey revealing any such violation. [1973 c 80 § 12.]

49.17.130 VIOLATIONS—DANGEROUS CONDITIONS—CITATIONS AND ORDERS OF IMMEDIATE RESTRAINT—RESTRAINTS—RESTRAINING ORDERS.

(1) If upon inspection or investigation, the director, or his authorized representative, believes that an employer has violated a requirement of RCW 49.17.060, or any safety or health standard promulgated by rules of the department, or any conditions of an order granting a variance, which violation is such that a

danger exists from which there is a substantial probability that death or serious physical harm could result to any employee, the director or his authorized representative shall issue a citation and may issue an order immediately restraining any such condition, practice, method, process, or means in the work place. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct, or remove such danger and prohibit the employment or presence of any individual in locations or under conditions where such danger exists, except individuals whose presence is necessary to avoid, correct, or remove such danger or to maintain the capacity of a continuous process operation in order that the resumption of normal operations may be had without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner. In addition, if any machine or equipment, or any part thereof, is in violation of a requirement of RCW 49.17.060 or any safety or health standard promulgated by rules of the department, and the operation of such machine or equipment gives rise to a substantial probability that death or serious physical harm could result to any employee, and an order of immediate restraint of the use of such machine or equipment has been issued under this subsection, the use of such machine or equipment is prohibited, and a notice to that effect shall be attached thereto by the director or his authorized representative.

(2) Whenever the director, or his authorized representative, concludes that a condition of employment described in subsection (1) of this section exists in any work place, he shall promptly inform the affected employees and employers of the danger.

(3) At any time that a citation or a citation and order restraining any condition of employment or practice described in subsection (1) of this section is issued by the director, or his authorized representative, he may in addition request the attorney general to make an application to the superior court of the county wherein such condition of employment or practice exists for a temporary restraining order or such other relief as appears to be appropriate under the circumstances. [1973 c 80 § 13.]

49.17.140 APPEAL TO BOARD—CITATION OR NOTIFICATION OF ASSESSMENT OF PENALTY—FINAL ORDER—PROCEDURE—REDETERMINATION—HEARING. (1) If after an inspection or investigation the director or his authorized representative issues a citation under the authority of RCW 49.17.120 or 49.17.130, the department, within a reasonable time after the termination of such inspection or investigation, shall notify the employer by certified mail of the

penalty to be assessed under the authority of RCW 49.17.180 and shall state that the employer has fifteen working days within which to notify the director that he wishes to appeal the citation or assessment of penalty. If, within fifteen working days from the communication of the notice issued by the director the employer fails to notify the director that he intends to appeal the citation or assessment penalty, and no notice is filed by any employee or representative of employees under subsection (3) of this section within such time, the citation and the assessment shall be deemed a final order of the department and not subject to review by any court or agency.

(2) If the director has reason to believe that an employer has failed to correct a violation for which a citation has been issued within the period permitted in the citation for its correction, which period shall not begin to run until the entry of a final order in the case of any appeal proceedings under this section initiated by the employer in good faith and not solely for delay or avoidance of penalties, the director shall notify the employer by certified mail of such failure to correct the violation and of the penalty to be assessed under RCW 49.17.180 by reason of such failure, and shall state that the employer has fifteen working days from the communication of such notification and assessment of penalty to notify the director that he wishes to appeal the director's notification of the assessment of penalty. If, within fifteen working days from the receipt of notification issued by the director the employer fails to notify the director that he intends to appeal the notification of assessment of penalty, the notification and assessment of penalty shall be deemed a final order of the department and not subject to review by any court or agency.

(3) If any employer notifies the director that he intends to appeal the citation issued under either RCW 49.17.120 or 49.17.130 or notification of the assessment of a penalty issued under subsections (1) or (2) of this section, or if, within fifteen working days from the issuance of a citation under either RCW 49.17.120 or 49.17.130 any employee or representative of employees files a notice with the director alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable, the director may reassume jurisdiction over the entire matter, or any portion thereof upon which notice of intention to appeal has been filed with the director pursuant to this subsection. If the director reassumes jurisdiction of all or any portion of the matter upon which notice of appeal has been filed with the director, any redetermination shall be completed and corrective notices of assessment of penalty, citations, or revised periods of abatement completed within a period of

fifteen working days, which redetermination shall then become final subject to direct appeal to the board of industrial insurance appeals within fifteen working days of such redetermination with service of notice of appeal upon the director. In the event that the director does not reassume jurisdiction as provided in this subsection, he shall promptly notify the state board of industrial insurance appeals of all notifications of intention to appeal any such citations, any such notices of assessment of penalty and any employee or representative of employees notice of intention to appeal the period of time fixed for abatement of a violation and in addition certify a full copy of the record in such appeal matters to the board. The director shall adopt rules of procedure for the reassumption of jurisdiction under this subsection affording employers, employees, and employee representatives notice of the reassumption of jurisdiction by the director, and an opportunity to object or support the reassumption of jurisdiction, either in writing or orally at an informal conference to be held prior to the expiration of the fifteen day period. A notice of appeal filed under this section shall stay the effectiveness of any citation or notice of the assessment of a penalty pending review by the board of industrial insurance appeals, but such appeal shall not stay the effectiveness of any order of immediate restraint issued by the director under the authority of RCW 49.17.130. The board of industrial insurance appeals shall afford an opportunity for a hearing in the case of each such appellant and the department shall be represented in such hearing by the attorney general and the board shall in addition provide affected employees or authorized representatives of affected employees an opportunity to participate as parties to hearings under this subsection. The board shall thereafter make disposition of the issues in accordance with procedures relative to contested cases appealed to the state board of industrial insurance appeals.

Upon application by an employer showing that a good faith effort to comply with the abatement requirements of a citation has been made and that the abatement has not been completed because of factors beyond his control, the director after affording an opportunity for a hearing shall issue an order affirming or modifying the abatement requirements in such citation. [1973 c 80 § 14.]

49.17.150 APPEAL TO SUPERIOR COURT--REVIEW OR ENFORCEMENT OF ORDERS. (1) Any person aggrieved by an order of the board of industrial insurance appeals issued under subsection (3) of RCW 49.17.140 may obtain a review of such order in the superior court for the county in which the violation is alleged to have occurred, by filing in such court within thirty days

following the communication of the board's order or denial of any petition or petitions for review, a written notice of appeal praying that the order be modified or set aside. A copy of such notice of appeal shall be forthwith transmitted by the clerk of the court to the board of industrial insurance appeals and to all parties to the proceedings before the board, and thereupon the board shall file in the court the complete record of the proceedings. Upon such filing the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings and the record of proceedings a decree affirming, modifying, or setting aside in all or in part, the decision of the board of industrial insurance appeals and enforcing the same to the extent that such order is affirmed or modified. The commencement of appellate proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the board of industrial insurance appeals. No objection that has not been urged before the board shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the board or hearing examiner where the board has denied a petition or petitions for review with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the board, the court may order such additional evidence to be taken before the board and to be made a part of the record. The board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact are supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and the judgment and decree shall be final, except as the same shall be subject to review by the supreme court. Appeals filed under this subsection shall be heard expeditiously.

(2) The director may also obtain review or enforcement of any final order of the board by filing a petition for such relief in the superior court for the county in which the alleged violation occurred. The provisions of subsection (1) of this section shall govern such proceeding to

the extent applicable. If a notice of appeal, as provided in subsection (1) of this section, is not filed within thirty days after service of the board's order, the board's findings of fact, decision, and order or the examiner's findings of fact, decision, and order when a petition or petitions for review have been denied shall be conclusive in connection with any petition for enforcement which is filed by the director after the expiration of such thirty day period. In any such case, as well as in the case of an unappealed citation or a notification of the assessment of a penalty by the director, which has become a final order under subsection (1) or (2) of RCW 49.17.140 upon application of the director, the clerk of the court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the citation and notice of assessment of penalty and shall transmit a copy of such decree to the director and the employer named in the director's petition. In any contempt proceeding brought to enforce a decree of the superior court entered pursuant to this subsection or subsection (1) of this section the superior court may assess the penalties provided in RCW 49.17.180, in addition to invoking any other available remedies. [1973 c 80 § 15.]

49.17.160 DISCRIMINATION AGAINST EMPLOYEE FILING COMPLAINT, INSTITUTING PROCEEDINGS OR TESTIFYING PROHIBITED--PROCEDURE--REMEDY. (1) No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter, or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this chapter.

(2) Any employee who believes that he has been discharged or otherwise discriminated against by any person in violation of this section may, within thirty days after such violation occurs, file a complaint with the director alleging such discrimination. Upon receipt of such complaint, the director shall cause such investigation to be made as he deems appropriate. If upon such investigation, the director determines that the provisions of this section have been violated, he shall bring an action in the superior court of the county wherein the violation is alleged to have occurred against the person or persons who is alleged to have violated the provisions of this section. If the director determines that the provisions of this section have not been violated, the employee may institute the action on his own behalf within thirty days of such determination. In any such action the superior court shall have jurisdiction, for cause shown, to restrain

violations of subsection (1) of this section and order all appropriate relief including rehiring or reinstatement of the employee to his former position with back pay.

(3) Within ninety days of the receipt of the complaint filed under this section, the director shall notify the complainant of his determination under subsection (2) of this section. [1973 c 80 § 16.]

49.17.170 INJUNCTIONS--TEMPORARY RESTRAINING ORDERS. (1) In addition to and after having invoked the powers of restraint vested in the director as provided in RCW 49.17.130 the superior courts of the state of Washington shall have jurisdiction upon petition of the director, through the attorney general, to enjoin any condition or practice in any work place from which there is a substantial probability that death or serious physical harm could result to any employee immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this chapter. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct, or remove such danger and prohibit the employment or presence of any individual in locations or under conditions where such danger exists, except individuals whose presence is necessary to avoid, correct, or remove such danger or to maintain the capacity of a continuous process operation to resume normal operation without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner.

(2) Upon the filing of any such petition the superior courts of the state of Washington shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of enforcement proceedings pursuant to this chapter, except that no temporary restraining order issued without notice shall be effective for a period longer than five working days.

(3) Whenever and as soon as any authorized representative of the director concludes that a condition or practice described in subsection (1) exists in any work place, he shall inform the affected employees and employers of the danger and may recommend to the director that relief be sought under this section.

(4) If the director arbitrarily or capriciously fails to invoke his restraining authority under RCW 49.17.130 or fails to seek relief under this section, any employee who may be injured by reason of such failure, or the representative of such employees, may bring an action against the director in the superior court for the county in which the danger is alleged to exist for a writ of mandamus to compel the director to seek such an order and for such further relief as may be

appropriate or seek the director to exercise his restraining authority under RCW 49.17.130. [1973 c 80 § 17.]

49.17.180 VIOLATIONS—CIVIL PENALTIES.

(1) Any employer who wilfully or repeatedly violates the requirements of RCW 49.17.060, or any safety and health standard promulgated under the authority of this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090 may be assessed a civil penalty not to exceed ten thousand dollars for each violation.

(2) Any employer who has received a citation for a serious violation of the requirements of RCW 49.17.060, of any safety or health standard promulgated under the authority of this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090 as determined in accordance with subsection (6) of this section, shall be assessed a civil penalty not to exceed one thousand dollars for each such violation.

(3) Any employer who has received a citation for a violation of the requirements of RCW 49.17.060, of any safety and health standard promulgated under this chapter, or any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090, where such violation is specifically determined not to be of a serious nature as provided in subsection (6) of this section, may be assessed a civil penalty not to exceed one thousand dollars for each such violation, unless such violation is determined to be de minimus.

(4) Any employer who fails to correct a violation for which a citation has been issued under RCW 49.17.120 or 49.17.130 within the period permitted for its correction, which period shall not begin to run until the date of the final order of the board of industrial insurance appeals in the case of any review proceedings under this chapter initiated by the employer in good faith and not solely for delay or avoidance of penalties, may be assessed a civil penalty of not more than one thousand dollars for each day during which such failure or violation continues.

(5) Any employer who violates any of the posting requirements of this chapter, or any of the posting requirements of rules promulgated by the department pursuant to this chapter related to employee or employee representative's rights to notice, including but not limited to those employee rights to notice set forth in RCW 49.17.080, 49.17.090, 49.17.120, 49.17.130, 49.17.220 (1) and 49.17.240 (2), shall be assessed a penalty of not to exceed one thousand dollars for each such

violation. Any employer who violates any of the posting requirements for the posting of informational, educational, or training materials under the authority of RCW 49.17.050 (7), may be assessed a penalty of not to exceed five hundred dollars for each such violation.

(6) For the purposes of this section, a serious violation shall be deemed to exist in a work place if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in such work place, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(7) The director, or his authorized representatives, shall have authority to assess all civil penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the number of affected employees of the employer being charged, the gravity of the violation, the size of the employer's business, the good faith of the employer, and the history of previous violations.

(8) Civil penalties imposed under this chapter shall be paid to the director for deposit in the supplemental pension fund established by RCW 51.44.033. Civil penalties may be recovered in a civil action in the name of the department brought in the superior court of the county where the violation is alleged to have occurred, or the department may utilize the procedures for collection of civil penalties as set forth in RCW 51.48.120 through 51.48.150. [1973 c 80 § 18.]

49.17.190 VIOLATIONS—CRIMINAL PENALTIES.

(1) Any person who gives advance notice of any inspection to be conducted under the authority of this chapter, without the consent of the director or his authorized representative, shall, upon conviction be guilty of a gross misdemeanor and be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or by both.

(2) Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter shall, upon conviction be guilty of a gross misdemeanor and be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months or by both.

(3) Any employer who wilfully and knowingly violates the requirements of RCW 49.17.060, any safety and health standard promulgated under this chapter, any existing rule or regulation governing the safety and health conditions of employment and adopted by the director, or any order

issued granting a variance under RCW 49.17.080 or 49.17.090 and that violation caused death to any employee shall, upon conviction be guilty of a gross misdemeanor and be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than six months or by both; except, that if the conviction is for a violation committed after a first conviction of such person, punishment shall be a fine of not more than twenty thousand dollars or by imprisonment for not more than one year, or by both.

(4) Any employer who has been issued an order immediately restraining a condition, practice, method, process, or means in the work place, pursuant to RCW 49.17.130 or 49.17.170, and who nevertheless continues such condition, practice, method, process, or means, or who continues to use a machine or equipment or part thereof to which a notice prohibiting such use has been attached, shall be guilty of a gross misdemeanor, and upon conviction shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or by both.

(5) Any employer who shall knowingly remove, displace, damage, or destroy, or cause to be removed, displaced, damaged, or destroyed any safety device or safeguard required to be present and maintained by any safety or health standard, rule, or order promulgated pursuant to this chapter, or pursuant to the authority vested in the director under RCW 43.22.050 shall, upon conviction, be guilty of a misdemeanor and be punished by a fine of not more than two hundred fifty dollars or by imprisonment for not more than ninety days, or by both.

(6) Whenever the director has reasonable cause to believe that any provision of this section defining a crime has been violated by an employer, the director shall cause a record of such alleged violation to be prepared, a copy of which shall be referred to the prosecuting attorney of the county wherein such alleged violation occurred, and the prosecuting attorney of such county shall in writing advise the director of the disposition he shall make of the alleged violation. [1973 c 80 § 19.]

49.17.200 CONFIDENTIALITY—TRADE SECRETS. All information reported to or otherwise obtained by the director, or his authorized representative, in connection with any inspection or proceeding under the authority of this chapter, which contains or which might reveal a trade secret shall be considered confidential, except that such information may be disclosed to other officers or employees concerned with carrying out this chapter, or when relevant in any proceeding under this chapter. In any such proceeding the director, the board of industrial insurance appeals, or the court shall issue such orders as may be appropriate to

protect the confidentiality of trade secrets. [1973 c 80 § 20.]

49.17.210 RESEARCH, EXPERIMENTS AND DEMONSTRATIONS FOR SAFETY PURPOSES—VARIANCES. The director is authorized to conduct, either directly or by grant or contract, research, experiments, and demonstrations as may be of aid and assistance in the furtherance of the objects and purposes of this chapter. The director, in his discretion, is authorized to grant a variance from any rule or regulation or portion thereof, whenever he determines that such variance is necessary to permit an employer to participate in an experiment approved by the director, which experiment is designed to demonstrate or validate new and improved techniques to safeguard the health or safety of employees. Any such variance shall require that all due regard be given to the health and safety of all employees participating in any experiment. [1973 c 80 § 21.]

49.17.220 RECORDS—REPORTS—NOTICE TO EMPLOYEE EXPOSED TO HARMFUL MATERIALS.

(1) Each employer shall make, keep, and preserve, and make available to the director such records regarding his activities relating to this chapter as the director may prescribe by regulation as necessary or appropriate for the enforcement of this chapter or for developing information regarding the causes and prevention of occupational accidents and illnesses. In order to carry out the provisions of this section such regulations may include provisions requiring employers to conduct periodic inspections. The director shall also issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under this chapter, including the provisions of applicable safety and health standards.

(2) The director shall prescribe regulations requiring employers to maintain accurate records, and to make periodic reports of work-related deaths, and of injuries and illnesses other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job.

(3) The director shall issue regulations requiring employers to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured. Such regulations shall provide employees or their representatives with an opportunity to observe such monitoring or measuring, and to have access to the records thereof. Such regulations shall also make appropriate provisions for each employee or former employee to have access to such records as

will indicate his own exposure to toxic materials or harmful physical agents. Each employer shall promptly notify any employee who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by any applicable safety and health standard promulgated under this chapter and shall inform any employee who is being thus exposed of the corrective action being taken. [1973 c 80 § 22.]

49.17.230 COMPLIANCE WITH FEDERAL ACT--AGREEMENTS AND ACCEPTANCE OF GRANTS AUTHORIZED. The director is authorized to adopt by rule any provision reasonably necessary to enable this state to qualify a state plan under section 18 of the Occupational Safety and Health Act of 1970 (Public Law 91-596, 84 Stat. 1590) to enable this state to assume the responsibility for the development and enforcement of occupational safety and health standards in all work places within this state subject to the legislative jurisdiction of the state of Washington. The director is authorized to enter into agreement with the United States and to accept on behalf of the state of Washington grants of funds to implement the development and enforcement of this chapter and the Occupational Safety and Health Act of 1970. [1973 c 80 § 23.]

49.17.240 SAFETY AND HEALTH STANDARDS.
(1) The director in the promulgation of rules under the authority of this chapter shall establish safety and health standards for conditions of employment of general and/or specific applicability for all industries, businesses, occupations, crafts, trades, and employments subject to the provisions of this chapter, or those that are a national or accepted federal standard. In adopting safety and health standards for conditions of employment, the director shall solicit and give due regard to all recommendations by any employer, employee, or labor representative of employees.

(2) Any safety and health standard adopted by rule of the director shall, where appropriate, prescribe the use of labels or other forms of warning to insure that employees are apprised of all hazards to which they may be exposed, relevant symptoms, and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure. Where appropriate, such rules shall so prescribe suitable protective equipment and control or technological procedures to be used in connection with such hazards and shall provide for monitoring or measuring employee exposure at such locations and intervals, and in such manner as may be reasonably necessary for the protection of employees. In addition, where appropriate, any such rule shall prescribe the

type and frequency of medical examinations or other tests which shall be made available, by the employer or at his cost, to employees exposed to such hazards in order to most effectively determine whether the health of such employees is adversely affected by such exposure. In the event that such medical examinations are in the nature of research, as determined by the director, such examinations may be furnished at the expense of the department. The results of such examinations or tests shall be furnished only to the director, other appropriate agencies of government, and at the request of the employee to his physician.

(3) Whenever the director adopts by rule any safety and health standard he may at the same time provide by rule the effective date of such standard which shall not be less than thirty days, excepting emergency rules, but may be made effective at such time in excess of thirty days from the date of adoption as specified in any rule adopting a safety and health standard. Any rule not made effective thirty days after adoption, having a delayed effectiveness in excess of thirty days, may only be made upon a finding made by the director that such delayed effectiveness of the rule is reasonably necessary to afford the affected employers a reasonable opportunity to make changes in methods, means, or practices to meet the requirements of the adopted rule. Temporary orders granting a variance may be utilized by the director in lieu of the delayed effectiveness in the adoption of any rule. [1973 c 80 § 24.]

49.17.250 VOLUNTARY COMPLIANCE PROGRAM--CONSULTATION AND ADVISORY SERVICES.

(1) In carrying out his responsibilities for the development of a voluntary compliance program under the authority of RCW 49.17.050 (8) and the rendering of advisory and consultative services to employers, the director may grant an employer's application for advice and consultation, and for the purpose of affording such consultation and advice visit the employer's work place. Such consultation and advice shall be limited to the matters specified in the request affecting the interpretation and applicability of safety and health standards to the conditions, structures, machines, equipment, apparatus, devices, materials, methods, means, and practices in the employer's work place. The director in granting any requests for consultative or advisory service may provide for an alternative means of affording consultation and advice other than on-site consultation.

(2) The director, or his authorized representative, may make recommendations regarding the elimination of any hazards disclosed within the scope of the on-site consultation. No visit to an employer's work place shall be regarded as an inspection or investigation under the authority

of this chapter, and no notices or citations shall be issued, nor, shall any civil penalties be assessed upon such visit, nor shall any authorized representative of the director designated to render advice and consult with employers under the voluntary compliance program have any enforcement authority: PROVIDED, That in the event an on-site visit discloses a serious violation of a health and safety standard as defined in RCW 49.17.180 (6), and the hazard of such violation is either not abated by the cooperative action of the employer, or, is not subject to being satisfactorily abated by the cooperative action of the employer, the director shall either invoke the administrative restraining authority provided in RCW 49.17.130 or seek the issuance of injunctive process under the authority of RCW 49.17.170 or invoke both such remedies.

(3) Nothing in this section shall be construed as providing immunity to any employer who has made application for consultative services during the pendency of the granting of such application from inspections or investigations conducted under RCW 49.17.070 or any inspection conducted as a result of a complaint, nor immunity from inspections under RCW 49.17.070 or inspections resulting from a complaint subsequent to the conclusion of the consultative period. This section shall not be construed as requiring an inspection under RCW 49.17.070 of any work place which has been visited for consultative purposes. However, in the event of a subsequent inspection, the director, or his authorized representative, may in his discretion take into consideration any information obtained during the consultation visit of that work place in determining the nature of an alleged violation and the amount of penalties to be assessed, if any. Such rules and regulations to be promulgated pursuant to this section shall provide that in all instances of serious violations as defined in RCW 49.17.180 (6) which are disclosed in any consultative period, shall be corrected within a specified period of time at the expiration of which an inspection will be conducted under the authority of RCW 49.17.070. All employers requesting consultative services shall be advised of the provisions of this section and the rules adopted by the director relating to the voluntary compliance program. The director may provide by rule for the frequency, manner, and method of the rendering of consultative services to employers, and for the scheduling and priorities in granting applications consistent with the availability of personnel, and in such a manner as not to jeopardize the enforcement requirements of this chapter. [1973 c 80 § 25.]

49.17.260 STATISTICS—INVESTIGATIONS—REPORTS. In furtherance of the objects and purposes of this chapter, the director shall develop and maintain an effective program of collection, compilation, and analysis of industrial safety and health statistics. The director, or his authorized representative, shall investigate and analyze industrial catastrophes, serious injuries, and fatalities occurring in any work place subject to this chapter, in an effort to ascertain whether such injury or fatality occurred as the result of a violation of this chapter, or any safety and health standard, rule, or order promulgated pursuant to this chapter, or if not, whether a safety and health standard or rule should be promulgated for application to such circumstances. The director shall adopt rules relating to the conducting and reporting of such investigations. Such investigative report shall be deemed confidential and only available upon order of the superior court after notice to the director and an opportunity for hearing: PROVIDED, That such investigative reports shall be made available without the necessity of obtaining a court order, to employees of governmental agencies in the performance of their official duties, to the injured workman or his legal representative or his labor organization representative, or to the legal representative or labor organization representative of a deceased workman who was the subject of an investigation, or to the employer of the injured or deceased workman or any other employer or person whose actions or business operation is the subject of the report of investigation, or any attorney representing a party in any pending legal action in which an investigative report constitutes relevant and material evidence in such legal action. [1973 c 80 § 26.]

49.17.270 ADMINISTRATION OF CHAPTER. The department shall be the sole and paramount administrative agency responsible for the administration of the provisions of this chapter, and any other agency of the state or any municipal corporation or political subdivision of the state having administrative authority over the inspection, survey, investigation, or any regulatory or enforcement authority of safety and health standards related to the health and safety of employees in any work place subject to this chapter, shall be required, notwithstanding any statute to the contrary, to exercise such authority as provided in this chapter and subject to interagency agreement or agreements with the department made under the authority of the interlocal cooperation act (chapter 39.34 RCW) relative to the procedures to be followed in the enforcement of this chapter: PROVIDED, That in relation to employers using or possessing sources of ionizing radiation the department of labor and industries and the department of

social and health services shall agree upon mutual policies, rules, and regulations compatible with policies, rules, and regulations adopted pursuant to chapter 70.98 RCW insofar as such policies, rules, and regulations are not inconsistent with the provisions of this chapter. [1973 c 80 § 27.]

49.17.900 SHORT TITLE. This act shall be known and cited as the Washington Industrial Safety and Health Act of 1973. [1973 c 80 § 29.]

49.17.910 SEVERABILITY—1973 C 80. 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. [1973 c 80 § 30.]

Chapter 49.20

HEALTH AND SAFETY—FACTORIES, MILLS, WORKSHOPS

49.20.010 SAFEGUARDS TO BE PROVIDED—UNSAFE OR DEFECTIVE EQUIPMENT TO BE REMEDIATED—PENALTY. [1959 c 98 § 1; 1943 c 17 § 1; 1907 c 205 § 1; 1905 c 84 § 1; Rem. Supp. 1943 c 7658. Prior: 1903 c 37 § 1.] Repealed by 1973 c 80 § 28.

49.20.020 VENTILATION AND SANITATION. [1963 c 62 § 1; 1959 c 98 § 2; 1905 c 84 § 2; RRS § 7659. Prior: 1903 c 37 § 3.] Repealed by 1973 c 80 § 28.

49.20.030 SAFEGUARDS FOR HATCHWAYS, STAIRWAYS, SHAFTS, ETC. [1905 c 84 § 3; RRS § 7660. Prior: 1903 c 37 § 2.] Repealed by 1973 c 80 § 28.

49.20.040 EXAMINATION OF FACTORIES, ETC. [1959 c 98 § 3; 1907 c 205 § 2; 1905 c 84 § 4; RRS § 7661.] Repealed by 1973 c 80 § 28.

49.20.050 REQUESTS FOR INSPECTION. [1959 c 98 § 4; 1907 c 205 § 3; 1905 c 84 § 5; RRS § 7662.] Repealed by 1973 c 80 § 28.

49.20.060 EMPLOYEE MAY NOTIFY SUPERVISOR OF DEFECTS. [1959 c 98 § 5; 1905 c 84 § 6; RRS § 7663.] Repealed by 1973 c 80 § 28.

49.20.110 PENALTY. [1959 c 98 § 6; 1907 c 205 § 5; 1905 c 84 § 11; RRS § 7665. Prior: 1903 c 37 § 4.] Repealed by 1973 c 80 § 28.

Chapter 49.24

HEALTH AND SAFETY—UNDERGROUND WORKERS

49.24.070 ENFORCEMENT. The director of labor and industries through and by means of the division of industrial safety and health shall have the power and it shall be his duty to enforce the provisions of RCW 49.24.010 through 49.24.070. Any authorized inspector or agent of the division of industrial safety and health may issue and serve upon the employer or person in charge of such work, an order requiring compliance with a special provision or specific provisions of RCW 49.24.010 through 49.24.070 and directing the discontinuance of any employment of persons in compressed air in connection with such work until such specific provision or provisions have been complied with by such employer to the satisfaction of the division of industrial safety and health. [1973 1st ex.s. c 52 § 7; 1937 c 131 § 8; RRS § 7666-8.]

Effective date—1973 1st ex.s. c 52:
See note following RCW 43.22.010.

49.24.080 REQUIREMENTS FOR UNDERGROUND LABOR. Every person, firm or corporation constructing, building or operating a tunnel, quarry, caisson or subway, excepting in connection with mines, with or without compressed air, shall in the employment of any labor comply with the following safety provisions:

(1) A safety miner shall be selected by the crew on each shift who shall check the conditions necessary to make the working place safe; such as loose rock, faulty timbers, poor rails, lights, ladders, scaffolds, fan pipes and firing lines.

(2) Ventilating fans shall be installed from twenty-five to one hundred feet outside the portal.

(3) No employee shall be allowed to "bar down" without the assistance of another employee.

(4) No employee shall be permitted to return to the heading until at least thirty minutes after blasting.

(5) Whenever persons are employed in wet places, the employer shall furnish such persons with rubbers, boots, coats and hats. All boots if worn previously by an employee shall be sterilized before being furnished to another: PROVIDED, That RCW 49.24.080 through 49.24.380 shall not apply to the operation of a railroad except that new construction of tunnels, caissons or subways in connection therewith shall be subject to the provisions of RCW 49.24.080 through 49.24.380: PROVIDED, FURTHER, That in the event of repair work being done in a railroad tunnel, no person shall be compelled to perform labor until the air has been cleared of smoke, gas and fumes. [1973 1st ex.s. c 154 § 89; 1965 c 144 § 1; 1941 c 194 § 1; Rem. Supp. 1941 § 7666-9.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

49.24.110 EXHAUST VALVES. Exhaust valves shall be provided, having risers extending to the upper part of chamber, if necessary, and shall be operated at such times as may be required and especially after a blast, and persons shall not be required to resume work after a blast until the gas and smoke have cleared, for at least thirty minutes. [1973 1st ex.s. c 154 § 90; 1941 c 194 § 4; Rem. Supp. 1941 § 7666-12.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 49.26
HEALTH AND SAFETY—ASBESTOS USE

49.26.010 LEGISLATIVE DECLARATION. Air-borne asbestos dust and particles, such as those from sprayed asbestos slurry, asbestos-coated ventilating ducts, and certain other applications of asbestos are known to produce irreversible lung damage and bronchogenic carcinoma. One American of every four dying in urban areas of the United States has asbestos particles or dust in his lungs. The nature of this problem is such as to constitute a hazard to the public health and safety, and should be brought under appropriate regulation. [1973 c 30 § 1.]

49.26.020 ASBESTOS USE STANDARDS. Standards regulating the use of asbestos in construction or manufacturing shall be established by the director of the department of labor and industries, with the advice of the state health officer and the department of ecology. Standards to be adopted shall describe the types of asbestos that may be used in construction and manufacturing, the methods and procedures for their use, and such other requirements as may be needed to protect the public health and safety with respect to air-borne asbestos particles and asbestos dust. [1973 c 30 § 2.]

49.26.030 CONTAINERS FOR ASBESTOS PRODUCTS. Products containing asbestos shall be stored in containers of types approved by the director of the department of labor and industries, with the advice of the state health officer and the department of ecology. Containers of asbestos shall be plainly marked "Asbestos—do not inhale" or other words to the same effect. [1973 c 30 § 3.]

49.26.040 REGULATIONS—ENFORCEMENT. The asbestos use standards required under RCW 49.26.020 and the list of approved container types required under RCW 49.26.030 shall be adopted as regulations of the department of labor and industries. The department shall have the power to implement and enforce such regulations. [1973 c 30 § 4.]

49.26.900 SEVERABILITY—1973 C 30. If any provision of this 1973 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. [1973 c 30 § 5.]

Chapter 49.28
HOURS OF LABOR

49.28.070 EIGHT HOUR DAY FOR FEMALES—COMMISSION ESTABLISHED—DEFENSE PRODUCTION PERMITS. [1965 c 41 § 1; 1951 c 84 § 1. Formerly (i) 1911 c 37 § 1; RRS § 7651. cf. 1901 c 68 § 1. (ii) 1911 c 37 § 3; RRS § 7619 (concerning 1911 c 37 § 1 see note following RCW 49.12.230).] Repealed by 1973 1st ex.s. c 154 § 121.

Chapter 49.44
VIOLATIONS—PROHIBITED PRACTICES

49.44.120 REQUIRING LIE DETECTOR TESTS. It shall be unlawful for any person, firm, corporation or the state of Washington, its political subdivisions or municipal corporations to require any employee or prospective employee to take or be subjected to any lie detector or similar tests as a condition of employment or continued employment: PROVIDED, That this section shall not apply to persons making initial application for employment with any law enforcement agency: PROVIDED FURTHER, That this section shall not apply to either the initial application for employment or continued employment of persons who dispense controlled substances as defined in chapter 69.50 RCW, or to persons in sensitive positions directly involving national security, or to persons in the field of public law enforcement who are seeking promotion to a rank of captain or higher. [1973 c 145 § 1; 1965 c 152 § 1.]

Chapter 49.46
MINIMUM WAGE ACT

49.46.020 MINIMUM HOURLY WAGE. Every employer shall pay to each of his employees who have reached the age of eighteen years wages at a rate of not less than one dollar and sixty cents per hour except as

may be otherwise provided under this chapter: PROVIDED, That beginning the calendar year 1974, the applicable rate under this section shall be one dollar and eighty cents per hour, and beginning the calendar year 1975 the applicable rate under this section shall be two dollars an hour. [1973 2nd ex.s. c 9 § 1; 1967 ex.s. c 80 § 1; 1961 ex.s. c 18 § 3; 1959 c 294 § 2.]

Chapter 49.60
LAW AGAINST DISCRIMINATION

Cross Reference:

Sex equality: State Constitution, Amendment 61.

49.60.010 PURPOSE OF CHAPTER. This chapter shall be known as the "law against discrimination". It is an exercise of the police power of the state for the protection of the public welfare, health, and peace of the people of this state, and in fulfillment of the provisions of the Constitution of this state concerning civil rights. The legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical handicap are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is herein created with powers with respect to elimination and prevention of discrimination in employment, in credit and insurance transactions, in places of public resort, accommodation, or amusement, and in real property transactions because of race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical handicap; and the board established hereunder is hereby given general jurisdiction and power for such purposes. [1973 1st ex.s. c 214 § 1; 1973 c 141 § 1; 1969 ex.s. c 167 § 1; 1957 c 37 § 1; 1949 c 183 § 1; Rem. Supp. 1949 § 7614-20.]

49.60.020 CONSTRUCTION OF CHAPTER--ELECTION OF OTHER REMEDIES. The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of any other law of this state relating to discrimination because of race, color, creed, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical handicap, other than a law which purports to require or permit doing any act which is an unfair practice under this chapter. Nor shall anything herein contained be

construed to deny the right to any person to institute any action or pursue any civil or criminal remedy based upon an alleged violation of his civil rights. [1973 1st ex.s. c 214 § 2; 1973 c 141 § 2; 1957 c 37 § 2; 1949 c 183 § 12; Rem. Supp. 1949 § 7614-30.]

49.60.030 FREEDOM FROM DISCRIMINATION--DECLARATION OF CIVIL RIGHTS. (1)

The right to be free from discrimination because of race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical handicap is recognized as and declared to be a civil right. This right shall include, but not be limited to:

- (a) The right to obtain and hold employment without discrimination;
- (b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;
- (c) The right to engage in real estate transactions without discrimination;
- (d) The right to engage in credit or insurance transactions without discrimination.

(2) Any person deeming himself injured by any act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations, to recover the actual damages sustained by him, or both, together with the cost of suit including a reasonable attorney's fees or any other remedy authorized by this chapter or the United States Civil Rights Act of 1964; and

(3) Notwithstanding any other provisions of this chapter, any act prohibited by this chapter related to sex discrimination which is committed in the course of trade or commerce in the state of Washington as defined in the Consumer Protection Act, chapter 19.86 RCW, shall be deemed an unfair practice within the meaning of RCW 19.86.020 and subject to all the provisions of chapter 19.86 RCW as now or hereafter amended. [1973 1st ex.s. c 214 § 3; 1973 c 141 § 3; 1969 ex.s. c 167 § 2; 1957 c 37 § 3; 1949 c 183 § 2; Rem. Supp. 1949 § 7614-21.]

49.60.040 DEFINITIONS. As used in this chapter:

"Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers or any group of persons; it includes any owner, lessee, proprietor, manager, agent or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof;

"Employer" includes any person acting in the interest of an employer, directly, or

indirectly, who has eight or more persons in his employ, and does not include any religious or sectarian organization, not organized for private profit;

"Employee" does not include any individual employed by his parents, spouse or child, or in the domestic service of any person;

"Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment;

"Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer;

"National origin" includes "ancestry";

"Full enjoyment of" includes the right to purchase any service, commodity or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, without acts directly or indirectly causing persons of any particular race, creed or color, to be treated as not welcome, accepted, desired or solicited;

"Any place of public resort, accommodation, assemblage or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing herein contained shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal

organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything herein contained apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;

"Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

"Real estate transaction" includes the sale, exchange, purchase, rental or lease of real property.

"Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the course of the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred. [1973 c 141 § 4; 1969 ex.s. c 167 § 3; 1961 c 103 § 1; 1957 c 37 § 4; 1949 c 183 § 3; Rem. Supp. 1949 § 7614-22.]

49.60.120 CERTAIN POWERS AND DUTIES OF BOARD. The board shall have the functions, powers and duties:

(1) To appoint an executive secretary and chief examiner, and such investigators, examiners, clerks, and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

(2) To obtain upon request and utilize the services of all governmental departments and agencies.

(3) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this chapter, and the policies and practices of the board in connection therewith.

(4) To receive, investigate, and pass upon complaints alleging unfair practices as defined in this chapter because of sex, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap.

(5) To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of sex, race, creed, color, national origin, marital status, age, or

the presence of any sensory, mental, or physical handicap.

(6) To make such technical studies as are appropriate to effectuate the purposes and policies of this chapter and to publish and distribute the reports of such studies. [1973 1st ex.s. c 214 § 4; 1973 c 141 § 7; 1971 ex.s. c 81 § 1; 1957 c 37 § 7; 1955 c 270 § 8. Prior: 1949 c 183 § 6, part; Rem. Supp. 1949 § 7614-25, part.]

49.60.130 MAY CREATE ADVISORY AGENCIES AND CONCILIATION COUNCILS. The board has power to create such advisory agencies and conciliation councils, local, regional, or state-wide, as in its judgment will aid in effectuating the purposes of this chapter. The board may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of sex, race, creed, color, national origin, marital status, or the presence of any sensory, mental, or physical handicap; to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population of the state, and to make recommendations to the board for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the board may recommend to the appropriate state agency.

Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for actual and necessary traveling expenses, and the board may make provision for technical and clerical assistance to such agencies and councils and for the expenses of such assistance. The board may use organizations specifically experienced in dealing with questions of discrimination. [1973 1st ex.s. c 214 § 5; 1973 c 141 § 8; 1971 ex.s. c 81 § 2; 1955 c 270 § 9. Prior: 1949 c 183 § 6, part; Rem. Supp. 1949 § 7614-25, part.]

49.60.175 UNFAIR PRACTICES OF FINANCIAL INSTITUTIONS. It shall be an unfair practice to use or require designation of the sex, race, creed, color or national origin of any person on any document concerning an application for credit in any credit transaction. [1973 c 141 § 9; 1959 c 68 § 1.]

49.60.176. UNFAIR PRACTICES WITH RESPECT TO CREDIT TRANSACTIONS. (1) It is an unfair practice for any person whether acting for himself or another in connection with any credit transaction because of race, creed, color, national origin, sex or marital status:

(a) To deny credit to any person;

(b) To increase the charges or fees for or collateral required to secure any credit extended to any person;

(c) To restrict the amount or use of credit extended or to impose different terms or conditions with respect to the credit extended to any person or any item or service related thereto;

(d) To attempt to do any of the unfair practices defined in this section.

(2) Nothing in this section shall prohibit any party to a credit transaction from considering the credit history of any individual applicant.

(3) Further, nothing in this section shall prohibit any party to a credit transaction from considering the application of the community property law to the individual case or from taking reasonable action thereon. [1973 c 141 § 5.]

49.60.178 UNFAIR PRACTICES WITH RESPECT TO INSURANCE TRANSACTIONS. It is an unfair practice for any person whether acting for himself or another in connection with an insurance transaction to fail or refuse to issue or renew insurance to any person because of sex, marital status, race, creed, color or national origin. For the purposes of this section, "insurance transaction" is defined in RCW 48.01.060.

The fact that rates charged may have been filed and approved pursuant to Title 48 RCW does not constitute a defense to an action under this section and the fact that such unfair practice may also be a violation of chapter 48.30 RCW does not constitute a defense to an action brought under this section. [1973 c 141 § 6.]

Cross Reference:

Cancellation or failure to renew insurance based upon sex or marital status deemed unfair practice: RCW 48.30.280, 48.30.290.

49.60.180 UNFAIR PRACTICES OF EMPLOYER DEFINED. It is an unfair practice for any employer:

(1) To refuse to hire any person because of such person's age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap, unless based upon a bona fide occupational qualification: PROVIDED, That the prohibition against discrimination because of such handicap shall not apply if the particular disability prevents the proper performance of the particular worker involved.

(2) To discharge or bar any person from employment because of such person's age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap.

(3) To discriminate against any person in compensation or in other terms or conditions of employment because of such person's age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap: PROVIDED, That it shall not be an unfair practice for an

employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the board by regulation or ruling in a particular instance has found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes.

(4) To print, or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language. [1973 1st ex.s. c 214 § 6; 1973 c 141 § 10; 1971 ex.s. c 81 § 3; 1961 c 100 § 1; 1957 c 37 § 9. Prior: 1949 c 183 § 7, part; Rem. Supp. 1949 § 7614-26, part.]

49.60.190 UNFAIR PRACTICES OF LABOR UNIONS DEFINED. It is an unfair practice for any labor union or labor organization:

(1) To deny membership and full membership rights and privileges to any person because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap.

(2) To expel from membership any person because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap.

(3) To discriminate against any member, employer, or employee because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap. [1973 1st ex.s. c 214 § 8; 1973 c 141 § 11; 1971 ex.s. c 81 § 4; 1961 c 100 § 2; 1957 c 37 § 10. Prior: 1949 c 183 § 7, part; Rem. Supp. 1949 § 7614-26, part.]

49.60.200 UNFAIR PRACTICES OF EMPLOYMENT AGENCIES. It is an unfair practice for any employment agency to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against, an individual because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap, or to print or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any

limitation, specification or discrimination as to age, sex, race, creed, color, or national origin, or the presence of any sensory, mental, or physical handicap, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language. [1973 1st ex.s. c 214 § 9; 1973 c 141 § 12; 1971 ex.s. c 81 § 5; 1961 c 100 § 3; 1957 c 37 § 11. Prior: 1949 c 183 § 7, part; Rem. Supp. 1949 § 7614-26, part.]

49.60.222 UNFAIR PRACTICES WITH RESPECT TO REAL ESTATE TRANSACTIONS, FACILITIES OR SERVICES. It is an unfair practice for any person, whether acting for himself or another, because of sex, marital status, race, creed, color or national origin:

(1) To refuse to engage in a real estate transaction with a person;

(2) To discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

(3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;

(4) To refuse to negotiate for a real estate transaction with a person;

(5) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property;

(6) To print, circulate, post or mail or cause to be so published a statement, advertisement or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;

(7) To offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;

(8) To expel a person from occupancy of real property; or

(9) To discriminate in the course of negotiating, executing of [or] financing a real estate transaction whether by mortgage, deed of trust, contract or other instrument imposing a lien or other security in real property or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction. Nothing in this section shall limit the effect

of RCW 49.60.176 relating to unfair practices in credit transactions.

(10) To attempt to do any of the unfair practices defined in this section. [1973 c 141 § 13; 1969 ex.s. c 167 § 4.]

49.60.225 AWARD TO COMPLAINANT FOR LOSS OF RIGHTS SECURED. When a determination has been made under RCW 49.60.250 that an unfair practice involving real property has been committed, the board or its successor may, in addition to other relief authorized by RCW 49.60.250, award the complainant up to one thousand dollars for loss of the right secured by RCW 49.60.010, 49.60.030, 49.60.040 and 49.60.222 through 49.60.226 as now or hereafter amended to be free from discrimination in real property transactions because of sex, marital status, race, creed, color or national origin. Enforcement of the order and appeal therefrom by the complainant or respondent shall be made as provided in RCW 49.60.260 and 49.60.270. [1973 c 141 § 14; 1969 ex.s. c 167 § 7.]

Chapter 49.66
HEALTH CARE ACTIVITIES

49.66.010 PURPOSE--POLICY--DECLARATION. It is the public policy of the state to expedite the settlement of labor disputes arising in connection with health care activities, in order that there may be no lessening, however temporary, in the quality of the care given to patients. It is the legislative purpose by this chapter to promote collective bargaining between health care activities and their employees, to protect the right of employees of health care activities to organize and select collective bargaining units of their own choosing.

It is further determined that any agreements involving union security including an all-union agreement or agency agreement must safeguard the rights of nonassociation of employees, based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee must pay an amount of money equivalent to regular union dues and initiation fees and assessments, if any, to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the representative of the labor organization to which such employee would otherwise pay dues. The employee shall furnish written proof that this has been done. If the employee and representative of the labor organization do not reach agreement on the matter, the department shall designate such organization. [1973 2nd ex.s. c 3 § 1; 1972 ex.s. c 156 § 1.]

49.66.020 DEFINITIONS. As used in this chapter:

(1) "Health care activity" includes any hospital, nursing home, institution, agency or establishment, exclusive of those operated by the state, its municipalities, or political subdivisions, having for one of its principal purposes the preservation of health or the care of sick, aged or infirm persons.

(2) "Bargaining unit" includes any group of employees of a health care activity having substantially common interests with respect to working conditions. The composition of a bargaining unit may be determined by common consent between an employer and its employees, or, in the event either party shall apply to the director of labor and industries for a determination of the composition of a bargaining unit, it shall be determined by the director of labor and industries or his delegated representative. No bargaining unit shall be found appropriate if it includes guards together with other employees.

(3) "Employee" includes any registered nurse or licensed practical nurse or service personnel performing services for wages for a health care activity. The term shall not apply to a member of a religious order assigned to a health care activity by the order as a part of his obligations to it; nor shall it apply to persons performing services in connection with healing by prayer or spiritual means alone in accordance with the tenets and practices of recognized church or religious denominations by adherents thereof; nor shall it apply to supervisors.

(4) "Employer" includes any person, agency, corporation, company or other organization engaged in the operation of a health care activity, whether for profitable or charitable purposes.

(5) "Supervisor" means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. Supervisor includes registered nurses only if administrative supervision is his or her primary duty and activity.

(6) "Guard" means any individual employed as a guard to enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer's premises.

(7) "Director" means the director of the department of labor and industries.

(8) "Department" means the department of labor and industries. [1973 2nd ex.s. c 3 § 2; 1972 ex.s. c 156 § 2.]

49.66.030 BARGAINING UNITS. An employee association shall be deemed the properly designated representative of a bargaining unit when it can show evidence that bargaining rights have been assigned to it by a majority of the employees in the bargaining unit. Should questions arise concerning the representative status of any employee organization claiming to represent a bargaining unit of employees, upon petition by such an organization, it shall be the duty of the director, acting by himself or through a designee to investigate and determine the composition of the organization. Any organization found authorized by not less than thirty percent of the employees of a bargaining unit shall be eligible to apply for an election to determine its rights to represent the unit. If more than one organization shall claim to represent any unit, the director, or his designee, may conduct an election by secret ballot to determine which organization shall be authorized to represent the unit. In order to be certified as a bargaining representative, an employee organization must receive, in a secret ballot election, votes from a majority of the employees who vote in the election, except that nothing in this section shall prohibit the voluntary recognition of a labor organization as a bargaining representative by an employer upon a showing of reasonable proof of majority. In any election held pursuant to this section, there shall be a choice on the ballot for employees to designate that they do not wish to be represented by any bargaining representative. No representation election shall be directed in any bargaining unit or any subdivision thereof within which, in the preceding twelve-month period, a valid election has been held. Thirty percent of the employees of an employer may file a petition for a secret ballot election to ascertain whether the employee organization which has been certified or is currently recognized by their employer as their bargaining representative is no longer their bargaining representative.

No employee organization shall be certified as the representative of employees in a bargaining unit of guards, if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards. The determination shall be based upon a plurality of votes cast in such election, and shall remain in effect for a period of not less than one year. In determining appropriate bargaining units, the director shall limit such units to groups consisting of registered nurses, licensed practical nurses or service personnel: PROVIDED, HOWEVER, That if a majority of each such classification desires inclusion within a single bargaining unit, they may combine into a single unit. [1973 2nd ex.s. c 3 § 3; 1972 ex.s. c 156 § 3.]

49.66.050 UNFAIR LABOR PRACTICES BY EMPLOYEE ORGANIZATIONS OR AGENTS. It shall be an unfair labor practice and unlawful, for any employee organization or its agent to:

(1) Restrain or coerce (a) employees in the exercise of their right to refrain from self-organization, or (b) an employer in the selection of its representatives for purposes of collective bargaining or the adjustment of grievances;

(2) Cause or attempt to cause an employer to discriminate against an employee in violation of subsection (3) of RCW 49.66.040 or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than his failure to tender the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership;

(3) Refuse to meet and bargain in good faith with an employer, provided it is the duly designated representative of the employer's employees for purposes of collective bargaining;

(4) Require of employees covered by a union security agreement the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the director finds excessive or discriminatory under all the circumstances. In making such a finding, the director shall consider, among other relevant factors, the practices and customs of labor organizations in the particular industry, and the wages currently paid to the employees affected;

(5) Cause or attempt to cause an employer to pay or deliver or agree to pay or deliver any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed;

(6) Enter into any contract or agreement, express or implied, whereby an employer or other person ceases or refrains, or agrees to cease or refrain, from handling, using, selling, transporting or otherwise dealing in any of the products or services of any other employer or person, or to cease doing business with any other employer or person, and any such contract or agreement shall be unenforceable and void; or

(7) Engage in, or induce or encourage any individual employed by any employer or to engage in, an activity prohibited by RCW 49.66.060. [1973 2nd ex.s. c 3 § 4; 1972 ex.s. c 156 § 5.]

49.66.070 RELIEF FROM UNFAIR LABOR PRACTICES—ACTIONS—REMEDIAL ORDERS. The director or any employee organization qualified to apply for an election under RCW 49.66.030 as now or hereafter amended or any employer may maintain in its name or in the name of its members legal action in any county in which jurisdiction of the employer or employee organization may be

obtained, to seek relief from the commission of an unfair labor practice: PROVIDED, That such employer or employee organization exhausts the administrative remedies under rules and regulations promulgated by the department prior to seeking such court action.

The department is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. Any party aggrieved by any remedial order is entitled to the judicial review thereof in accordance with the provisions of chapter 34.04 RCW. [1973 2nd ex.s. c 3 § 5; 1972 ex.s. c 156 § 7.]

49.66.080 RULES AND REGULATIONS—PROCEDURES. The director shall have the power to make such rules and regulations not inconsistent with this chapter, including the establishment of procedures for the hearing and determination of charges alleging unfair labor practices, and for a determination on application by either party when an impasse has arisen, and as he shall determine are necessary to effectuate its purpose and to enable him to carry out its provisions. [1973 2nd ex.s. c 3 § 6; 1972 ex.s. c 156 § 8.]

49.66.090 BOARD OF ARBITRATION—MEMBERS—SELECTION—CHAIRMAN. In the event that a health care activity and an employees' bargaining unit shall reach an impasse, the matters in dispute shall be submitted to a board of arbitration composed of three arbitrators for final and binding resolution. The board shall be selected in the following manner: Within ten days, the employer shall appoint one arbitrator and the employees shall appoint one arbitrator. The two arbitrators so selected and named shall within ten days agree upon and select the name of a third arbitrator who shall act as chairman. If, upon the expiration of the period allowed therefor the arbitrators are unable to agree on the selection of a third arbitrator, such arbitrator shall be appointed at the request of either party in accordance with the provisions of RCW 7.04.050 and he shall act as chairman of the arbitration board. [1973 2nd ex.s. c 3 § 7; 1972 ex.s. c 156 § 9.]

49.66.120 ARBITRATORS—COMPENSATION—EXPENSES. The arbitrator so selected by the parties shall be paid at the daily rate or rates not to exceed the usual or customary rates paid to arbitrators in addition to travel expenses and subsistence at the rates by law provided for state employees generally. Such sums together with all expenses of the hearing shall be borne equally by the parties to the arbitration proceedings. [1973 2nd ex.s. c 3 § 8; 1972 ex.s. c 156 § 12.]

TITLE 50
UNEMPLOYMENT COMPENSATION

Sections added, amended, or repealed:

Chapter 50.04 Definitions.

- 50.04.030 Benefit year.
- 50.04.180 Family employment.
- 50.04.310 Unemployed individual.
- 50.04.323 Wages, remuneration—Government or private retirement pension plan payments—Effect upon eligibility—Reduction in benefits—Exceptions.
- 50.04.355 Wages, remuneration—Average annual wage—Average weekly wage—Qualifying annual wage—Qualifying weekly wage.

Chapter 50.08 Establishment of Department.

- 50.08.020 Divisions established.

Chapter 50.12 Administration.

- 50.12.020 Personnel appointed by commissioner.
- 50.12.040 Rules and regulations.
- 50.12.180 State-federal cooperation.

Chapter 50.16 Funds.

- 50.16.010 Unemployment compensation fund—Administrative contingency fund.
- 50.16.030 Withdrawals from federal unemployment trust fund.

Chapter 50.20 Benefits and Claims.

- 50.20.010 Benefit eligibility conditions.
- 50.20.030 Pregnancy limitation.
- 50.20.070 Disqualification for misrepresentation.
- 50.20.100 Suitable work factors.
- 50.20.130 Deduction from weekly benefit amount.
- 50.20.190 Recovery of benefit payments.

Chapter 50.22 Extended Benefits.

- 50.22.010 Definitions.
- 50.22.070 Effect of benefits paid under RCW 50.20.127. (Repeal effective March 8, 1973.)
- 50.22.080 Temporary emergency benefit program—Qualification for emergency benefits—Amount of benefits—Application of title provisions and commissioner's regulations. (Repeal effective March 8, 1973.)

Chapter 50.24 Contributions by Employers.

- 50.24.015 Wages—Deemed paid when contractually due.
- 50.24.040 Interest on delinquent contributions.

- 50.24.050 Lien for contributions generally.
 50.24.130 Contractor's and principal's liability for contributions.

Chapter 50.29 Employer Experience Rating.

- 50.29.010 Definitions.
 50.29.040 Employer's average annual decrease quotient factor and benefit charge-back factor.
 50.29.060 Predecessor and successor employer contribution rates.
 50.29.070 Notice of employer benefit charges and rate of contribution—Request for review and redetermination—Petition for hearing upon denial—Further appeal.

Chapter 50.32 Review, Hearings and Appeals.

- 50.32.040 Benefit appeals procedure.
 50.32.090 Finality of commissioner's decision.
 50.32.120 Procedure for judicial review.
 50.32.130 Undertakings on seeking judicial review.
 50.32.140 Interstate petitions to Thurston county.

Chapter 50.44 Special Coverage Provisions.

- 50.44.040 Services excluded under "employment" as used in RCW 50.44-.010, 50.44.020 and 50.44.030.
 50.44.050 Benefits payable, terms and conditions.
 50.44.070 Surety bond or deposit of money or securities when election to make payments in lieu of contributions.

Chapter 50.04
 DEFINITIONS

50.04.030 BENEFIT YEAR. "Benefit year" with respect to each individual, means the fifty-two consecutive week period beginning with the first day of the calendar week with respect to which the individual files an application for an initial determination and thereafter the fifty-two consecutive week period beginning with the first day of the calendar week with respect to which the individual next files an application for an initial determination after the expiration of his last preceding benefit year: PROVIDED, HOWEVER, That the foregoing limitation shall not be deemed to preclude the establishment of a new benefit year under the laws of another state pursuant to any agreement providing for the interstate combining of employment and wages and the interstate payment of benefits.

An individual's benefit year shall be extended to be fifty-three weeks when at

the expiration of fifty-two weeks the establishment of a new benefit year would result in the use of a quarter of wages in the new base year that had been included in the individual's prior base year.

No benefit year will be established unless it is determined that the individual earned wages in "employment" during his base year of not less than the "qualifying annual wage" computed for the calendar year preceding the last June 30th immediately preceding his benefit year and either had "employment" in not less than sixteen weeks of his base year in each of which he earned the "qualifying weekly wage" computed for the second calendar year preceding the calendar year in which each such week ends or had "employment" in not less than six hundred hours of his base year: PROVIDED, HOWEVER, That a benefit year cannot be established if the base year wages include wages earned prior to the establishment of a prior benefit year unless the individual earned wages in "employment" during the last two quarters of the new base year of not less than six times the weekly benefit amount computed for his new benefit year.

As the change contained in the third paragraph of this section relating to the weeks worked qualification would invalidate basic data upon which benefit qualification determinations must be made the satisfaction of the weeks worked requirement will require as to base year weeks ending in the second two quarters of 1972 that the individual will have earned not less than the "qualifying weekly wage" computed for the calendar year 1971. Nothing in this paragraph or in the preceding paragraph shall be deemed to justify or support the redetermination of any monetary determination denying the establishment of a benefit year made prior to the *effective date of this 1973 amendatory act.

If the wages of an individual are not based upon a fixed duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week shall be determined in such manner as the commissioner may by regulation prescribe. Such regulation shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid his wages at regular intervals. [1973 c 73 § 1; 1970 ex.s. c 2 § 2; 1949 c 214 § 1; 1945 c 35 § 4; Rem. Supp. 1949 § 9998-143. Prior: 1943 c 127 § 13; 1939 c 214 § 19; 1937 c 162 § 19.]

*Effective date—1973 c 73: "Sections 7, 8, 10, 11, and 12 of this 1973 amendatory act are 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. Sections 1, 2, 3, 4, 5, 6, and 9 of this 1973 amendatory act shall

take effect on July 1, 1973." [1973 c 73 § 13.]

Reviser's note: The effective date of sections 7, 8, 10, 11, and 12 was March 8, 1973. The effective date of sections 1, 2, 3, 4, 6 and 9 was July 1, 1973. Section 5 referred to above was vetoed.

50.04.180 FAMILY EMPLOYMENT. The term "employment" shall not include service performed by an individual in the employ of his or her spouse, nor shall it include service performed by an unmarried individual under the age of eighteen years in the employ of his or her parent or step-parent. [1973 c 73 § 2; 1951 c 265 § 6; 1945 c 35 § 19; Rem. Supp. 1945 § 9998-158. Prior: 1943 c 127 § 13; 1941 c 253 § 14; 1939 c 214 § 16; 1937 c 162 § 19.]

Effective date—1973 c 73: See note following RCW 50.04.030.

50.04.310 UNEMPLOYED INDIVIDUAL. An individual shall be deemed to be "unemployed" in any week during which he performs no services and with respect to which no remuneration is payable to him, or in any week of less than full time work, if the remuneration payable to him with respect to such week is less than one and one-third times his weekly benefit amount plus five dollars. The commissioner shall prescribe regulations applicable to unemployed individuals making such distinctions in the procedures as to such types of unemployment as the commissioner deems necessary. [1973 2nd ex.s. c 7 § 1; 1945 c 35 § 32; Rem. Supp. 1945 § 9998-170. Prior: 1943 c 127 § 13; 1941 c 253 § 14; 1939 c 214 § 16; 1939 c 162 § 19.]

Application of Act: "This act shall apply to weeks of unemployment commencing on or after January 6, 1974." [1973 2nd ex.s. c 7 § 4.] "This act" consists of amendments to RCW 50.04.310, 50.04.323 and 50.20.130 by 1973 2nd ex.s. c 7.

50.04.323 WAGES, REMUNERATION—GOVERNMENT OR PRIVATE RETIREMENT PENSION PLAN PAYMENTS—EFFECT UPON ELIGIBILITY—REDUCTION IN BENEFITS—EXCEPTIONS. Any payments which an individual has claimed, is receiving or has received under a government or private retirement pension plan to which a base year employer has contributed on behalf of such individual shall reduce the unemployment compensation payable to him on the following basis:

(1) If such payment, prorated weekly, equals or exceeds the weekly benefit amount to which he would normally be entitled on the basis of his base year earnings then he shall be totally ineligible;

(2) If such payment, prorated weekly, is less than the weekly benefit amount to

which he would normally be entitled on the basis of this title and regulations enacted pursuant thereto, his weekly benefit amount shall be reduced by the amount which his prorated weekly pension amount exceeds twelve dollars. The reduced benefit amount so computed, if not a multiple of one dollar, shall be raised to the next higher multiple of one dollar.

Any amounts deducted by reason of this section shall not be available for the payment of future benefits, that is, the individual's total benefit entitlement shall be reduced by the amount of benefits paid plus any amounts deducted pursuant to this section.

Payments received under the old age and survivors insurance program contained in Title II of the federal social security act, as amended, payments received on account of disability rather than on account of age or length of service and, commencing with benefit years beginning on and after July 1, 1973, payments attributable to retirement pensions which are based in full on wages earned prior to the individual's base year shall not operate to reduce an individual's weekly benefit amount.

Payments claimed or received under a government or a private pension plan shall not be considered wages subject to contributions under this title nor shall such payments be considered in determining base year wages.

In the event that a retroactive pension or retirement plan covers a period in which an individual received benefits under the provisions of this title, the amount in excess of the amount to which such individual would have been entitled had such retirement or pension plan been considered as provided in this section shall be recoverable under RCW 50.20.190. [1973 2nd ex.s. c 7 § 2; 1973 1st ex.s. c 167 § 1; 1970 ex.s. c 2 § 19.]

Application of 1973 2nd ex.s. c 7: See note following RCW 50.04.310.

50.04.355 WAGES, REMUNERATION—AVERAGE ANNUAL WAGE—AVERAGE WEEKLY WAGE—QUALIFYING ANNUAL WAGE—QUALIFYING WEEKLY WAGE. On or before the fifteenth day of June of each year an "average annual wage", an "average weekly wage", a "qualifying annual wage", and a "qualifying weekly wage" shall be computed from information for the preceding calendar year reported by all employers as defined in RCW 50.04.080 on employers' contribution reports (including corrections thereof) filed within three months after the close of that year. The "average annual wage" is the quotient derived by dividing total remuneration reported by all employers by the average number of workers reported for all months if the result is not a multiple of one dollar, and rounding the result to the next lower multiple of one dollar. The "average annual wage" thus obtained shall

be divided by fifty-two and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar to determine the "average weekly wage". The "qualifying annual wage" shall be computed by multiplying the "average annual wage" by fifteen percent and if the result is not a multiple of fifty dollars, rounding the result to the next lower multiple of fifty dollars. The "qualifying weekly wage" shall be computed by multiplying the "average weekly wage" by fifteen percent and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar. [1973 c 73 § 3; 1970 ex.s. c 2 § 6.]

Effective date—1973 c 73: See note following RCW 50.04.030.

Chapter 50.08
ESTABLISHMENT OF DEPARTMENT

50.08.020 DIVISIONS ESTABLISHED. There are hereby established in the employment security department two coordinate divisions to be known as the unemployment compensation division, and the Washington state employment service division, each of which shall be administered by a full time salaried supervisor who shall be an assistant to the commissioner and shall be appointed by him. Each division shall be responsible to the commissioner for the dispatch of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the commissioner may find that such separation is impracticable.

It is hereby further provided that the governor in his discretion may delegate any or all of the organization, administration and functions of the said Washington state employment service division to any federal agency. [1973 1st ex.s. c 158 § 1; 1947 c 215 § 9; 1945 c 35 § 39; Rem. Supp. 1947 § 9998-177. Prior: 1943 c 127 § 9; 1939 c 214 § 7; 1937 c 162 § 9.]

Effective date—1973 1st ex.s. c 158: "This 1973 amendatory 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 on July 1, 1973." [1973 1st ex.s. c 158 § 21.] This applies to the amendments to RCW 50.08.020, 50.12.020, 50.12.040, 50.12.180, 50.20.070, 50.20.100, 50.20.190, 50.24.040, 50.24.050, 50.24.130, 50.29.010, 50.29.040, 50.29.060, 50.29.070, 50.32.090 and 50.32.120-50.32.140 by 1973 1st ex.s. c 158, to RCW 50.24.015 and to the repeal of RCW 47.64.050.

Chapter 50.12
ADMINISTRATION

50.12.020 PERSONNEL APPOINTED BY COMMISSIONER. The commissioner is authorized to appoint and fix the compensation of such officers, accountants, experts, and other personnel as may be necessary to carry out the provisions of this title: PROVIDED, That such appointment shall be made on a nonpartisan merit basis in accordance with the provisions of this title relating to the selection of personnel. The commissioner may delegate to any person appointed such power and authority as he deems reasonable and proper for the effective administration of this title, including the right to decide matters placed in his discretion under this title, and may in his discretion bond any person handling moneys or signing checks hereunder.

The commissioner shall not appoint or employ any person who is an officer or committee member of any political party organization or who holds or is a candidate for any partisan elective public office. [1973 1st ex.s. c 158 § 2; 1945 c 35 § 41; Rem. Supp. 1945 § 9998-179. Prior: 1943 c 127 § 8; 1941 c 253 § 8; 1939 c 214 § 9; 1937 c 162 § 11.]

Effective date—1973 1st ex.s. c 158: See note following RCW 50.08.020.

50.12.040 RULES AND REGULATIONS. Regular and emergency rules and regulations shall be adopted, amended, or repealed by the commissioner in accordance with the provisions of Title 34 RCW and the rules or regulations adopted pursuant thereto. [1973 1st ex.s. c 158 § 3; 1945 c 35 § 43; Rem. Supp. 1945 § 9998-181. Prior: 1943 c 127 § 8; 1941 c 253 § 8; 1939 c 214 § 9; 1937 c 162 § 11.]

Effective date—1973 1st ex.s. c 158: See note following RCW 50.08.020.

50.12.180 STATE-FEDERAL COOPERATION. The commissioner, through the Washington state employment service division, shall establish and maintain free public employment offices in such places as may be necessary for the proper administration of this title and for the purpose of performing such duties as are within the purview of the act of congress entitled "An Act to provide for the establishment of a national employment system and for other purposes," approved June 6, 1933 (48 Stat. 113; U.S.C. Title 29, Sec. 49 (c), as amended). In the administration of this title the commissioner shall cooperate to the fullest extent consistent with the provisions of this title, with any official or agency of the United States having powers or duties under the provisions of the said act of congress, as amended, and to do and

perform all things necessary to secure to this state the benefits of the said act of congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said act of congress, as amended, are hereby accepted by this state, in conformity with section 4 of said act and there shall be observance of and compliance with the requirements thereof. The commissioner may cooperate with or enter into agreements with the railroad retirement board with respect to the establishment, maintenance, and use of free employment service facilities, and make available to said board the state's records relating to the administration of this title, and furnish such copies thereof, at the expense of the board, as it may deem necessary for its purposes.

The commissioner shall comply with such provisions as the social security board, created by the social security act, approved August 14, 1935, as amended, may from time to time require, regarding reports and the correctness and verification thereof, and shall comply with the regulations of the social security board governing the expenditures of such sums as may be allotted and paid to this state under Title III of the social security act for the purpose of assisting the administration of this title. The commissioner may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment insurance law.

The governor is authorized to apply for an advance to the state unemployment fund and to accept the responsibility for the repayment of such advance in accordance with the conditions specified in Title XII of the social security act, as amended, in order to secure to this state and its citizens the advantages available under the provisions of such title.

The commissioner is also authorized and empowered to take such steps, not inconsistent with law, as may be necessary for the purpose of procuring for the people of this state all of the benefits and assistance, financial and otherwise, provided, or to be provided for, by or pursuant to any act of congress.

Upon request therefor the commissioner shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this title. [1973 1st ex.s. c 158 § 4; 1959 c 266 § 2; 1945 c 35 § 57; Rem. Supp. 1945 § 9998-195. Prior: 1943 c 127 § 8; 1941 c 253 § 8; 1939 c 214 § 9; 1937 c 162 § 11.]

Effective date—1973 1st ex.s. c 158:
See note following RCW 50.08.020.

Chapter 50.16
FUNDS

50.16.010 UNEMPLOYMENT COMPENSATION FUND—ADMINISTRATIVE CONTINGENCY FUND.

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund and an administrative contingency fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable. The unemployment compensation fund shall consist of

(1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,

(2) interest earned upon any moneys in the fund,

(3) any property or securities acquired through the use of moneys belonging to the fund,

(4) all earnings of such property or securities,

(5) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,

(6) all money recovered on official bonds for losses sustained by the fund,

(7) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,

(8) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and

(9) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title after June 20, 1953, all fines and penalties collected pursuant to the provisions of this title, and all sums recovered on official bonds for losses sustained by the fund: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. The amount in this fund in excess of one hundred thousand dollars on the close of business of the last day of each calendar quarter shall be immediately transferred to this state's account in the unemployment trust fund. Moneys available in the administrative contingency fund shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation. [1973 c 73 § 4; 1969 ex.s. c 199 § 27; 1959 c 170 § 1; 1955 c 286 § 2; 1953 ex.s. c 8 § 5; 1945 c 35 § 60; Rem. Supp. 1945 § 9998-198. Prior: 1943 c 127 § 6; 1941 c 253 §§ 7, 10; 1939 c 214 § 11; 1937 c 162 § 13.]

Effective date—1973 c 73: See note following RCW 50.04.030.

50.16.030 WITHDRAWALS FROM FEDERAL UNEMPLOYMENT TRUST FUND. (1) Moneys shall be requisitioned from this state's account in the unemployment trust fund solely for the payment of benefits and repayment of loans from the federal government to guarantee solvency of the unemployment compensation fund in accordance with regulations prescribed by the commissioner, except that money credited to this state's account pursuant to section 903 of the social security act, as amended, shall be used exclusively as provided in RCW 50.16.030 (5). The commissioner shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to its account therein, as he deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer shall deposit such moneys in the benefit account and shall issue his warrants for the payment of benefits solely from such benefits account.

(2) Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody, and RCW 43.01.050, as amended, shall not apply. All warrants issued by the treasurer for the payment of benefits and refunds shall bear the signature of the treasurer and the countersignature of the commissioner, or his duly authorized agent for that purpose.

(3) Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or in the discretion of the commissioner, shall be redeposited with the secretary of the

treasury of the United States of America to the credit of this state's account in the unemployment trust fund.

(4) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States of America pursuant to section 903 of the social security act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this title pursuant to a specific appropriation by the legislature, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(a) specifies the purposes for which such money is appropriated and the amounts appropriated therefor,

(b) limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law, and

(c) limits the amount which may be obligated during a twelve-month period beginning on July 1st and ending on the next June 30th to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the social security act, as amended, during the same twelve-month period and the twenty-four preceding twelve-month periods, exceeds (ii) the aggregate of the amounts obligated pursuant to RCW 50.16.030 (4), (5) and (6) and charged against the amounts credited to the account of this state during any of such twenty-five twelve-month periods. For the purposes of RCW 50.16.030 (4), (5) and (6), amounts obligated during any such twelve-month period shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount obligated for administration during any such twelve-month period may be charged against any amount credited during such a twelve-month period earlier than the twenty-fourth twelve-month period preceding such period: PROVIDED, That any amount credited to this state's account under section 903 of the social security act, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund shall be excluded from the unemployment compensation fund balance for the purpose of experience rating credit determination.

(5) Money credited to the account of this state pursuant to section 903 of the social security act, as amended, may not be withdrawn or used except for the payment of benefits and for the payment of expenses of administration and of public employment offices pursuant to RCW 50.16.030 (4), (5) and (6).

(6) Money requisitioned as provided in RCW 50.16.030 (4), (5) and (6) for the payment of expenses of administration shall be deposited in the unemployment compensation fund, but until expended,

shall remain a part of the unemployment compensation fund. The commissioner shall maintain a separate record of the deposit, obligation, expenditure and return of funds so deposited. Any money so deposited which either will not be obligated within the period specified by the appropriation law or remains unobligated at the end of the period, and any money which has been obligated within the period but will not be expended, shall be returned promptly to the account of this state in the unemployment trust fund. [1973 c 6 § 1; 1969 ex.s. c 201 § 1; 1959 c 170 § 2; 1945 c 35 § 62; Rem. Supp. 1945 § 9998-200. Prior: 1943 c 127 § 6; 1941 c 253 § 7.]

Chapter 50.20
BENEFITS AND CLAIMS

50.20.010 BENEFIT ELIGIBILITY CONDITIONS. An unemployed individual shall be eligible to receive waiting period credits or benefits with respect to any week in his eligibility period only if the commissioner finds that (1) he has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may by regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which he finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title;

(2) he has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this title;

(3) he is able to work, and is available for work in any trade, occupation, profession, or business for which he is reasonably fitted. To be available for work an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or his agents; and

(4) he has been unemployed for a waiting period of one week.

An individual's eligibility period for regular benefits shall be coincident to his established benefit year. An individual's eligibility period for additional or extended benefits shall be the periods prescribed elsewhere in this title for such benefits. [1973 c 73 § 6; 1970 ex.s. c 2 § 4; 1959 c 266 § 3; 1953 ex.s. c 8 § 7; 1951 c 265 § 9; 1951 c 215 § 11; 1949 c 214 § 9; 1945 c 35 § 68; Rem. Supp. 1949 § 9998-206. Prior: 1943 c 127 § 2; 1941 c 253 §§ 1, 2; 1939 c 214 § 2; 1937 c 162 § 4.]

Effective date—1973 c 73: See note following RCW 50.04.030.

50.20.030 PREGNANCY LIMITATION. A woman who voluntarily quits work because of pregnancy shall be disqualified from benefits for the week in which she quits and thereafter through the terminal week of her pregnancy: PROVIDED, HOWEVER, That in any event a pregnant woman shall be disqualified from receiving benefits for any calendar week either preceding or subsequent to childbirth when she is precluded from engaging in her particular category of employment by reason of a pregnancy related federal or state statute or administrative rule or regulation. [1973 1st ex.s. c 167 § 2; 1970 ex.s. c 2 § 20; 1955 c 286 § 3. Prior: 1945 c 35 § 70; Rem. Supp. 1945 § 9998-208.]

50.20.070 DISQUALIFICATION FOR MISREPRESENTATION. Irrespective of any other provisions of this title an individual shall be disqualified for benefits for any week with respect to which he has knowingly made a false statement or representation involving a material fact or knowingly failed to report a material fact and has thereby obtained or attempted to obtain any benefits under the provisions of this title, and for an additional twenty-six weeks commencing with the first week for which he completes an otherwise compensable claim for waiting period credit or benefits following the date of the delivery or mailing of the determination of disqualification under this section: PROVIDED, That such disqualification shall not be applied after two years have elapsed from the date of the delivery or mailing of the determination of disqualification under this section, but all overpayments established by such determination of disqualification shall be collected as otherwise provided by this title. [1973 1st ex.s. c 158 § 5; 1953 ex.s. c 8 § 10; 1951 c 265 § 10; 1949 c 214 § 14; 1947 c 215 § 17; 1945 c 35 § 75; Rem. Supp. 1949 § 9998-213. Prior: 1943 c 127 § 3; 1941 c 253 § 3; 1939 c 214 § 3; 1937 c 162 § 5.]

Effective date—1973 1st ex.s. c 158: See note following RCW 50.08.020.

50.20.100 SUITABLE WORK FACTORS. In determining whether work is suitable for an individual or whether an individual has left work voluntarily without good cause, the commissioner shall consider the degree of risk involved to his health safety and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, the distance of the available work from his residence, and such other factors as the commissioner may

deem pertinent, including state and national emergencies. [1973 1st ex.s. c 158 § 6; 1945 c 35 § 78; Rem. Supp. 1945 § 9998-216.]

Effective date—1973 1st ex.s. c 158:
See note following RCW 50.08.020.

50.20.130 DEDUCTION FROM WEEKLY BENEFIT AMOUNT. If an eligible individual is available for work for less than a full week, he shall be paid his weekly benefit amount reduced by one-seventh of such amount for each day that he is unavailable for work: PROVIDED, That if he is unavailable for work for three days or more of a week, he shall be considered unavailable for the entire week.

Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less seventy-five percent of that part of the remuneration (if any) payable to him with respect to such week which is in excess of five dollars. Such benefit, if not a multiple of one dollar, shall be computed to the next higher multiple of one dollar. [1973 2nd ex.s. c 7 § 3; 1959 c 321 § 3; 1951 c 215 § 15; 1949 c 214 § 17; 1945 c 35 § 81; Rem. Supp. 1949 § 9998-219. Prior: 1943 c 127 § 1; 1941 c 253 § 1; 1939 c 214 § 1; 1937 c 162 § 3.]

Application—1973 2nd ex.s. c 7: See note following RCW 50.04.310.

50.20.190 RECOVERY OF BENEFIT PAYMENTS. An individual who is paid any amount as benefits under this title to which he is not entitled shall, unless otherwise relieved pursuant to this section, be liable for repayment of the amount overpaid. The department shall issue an overpayment assessment setting forth the reasons for and the amount of the overpayment. The amount assessed, to the extent not collected, shall be deducted from any future benefits payable to the individual.

The commissioner may waive an overpayment if he finds that said overpayment was not the result of fraud, misrepresentation, wilful nondisclosure, or fault attributable to the individual and that the recovery thereof would be against equity and good conscience: PROVIDED, HOWEVER, That the overpayment so waived shall be charged against the individual's applicable entitlement for the eligibility period containing the weeks to which the overpayment was attributed as though such benefits had been properly paid.

Any assessment herein provided shall constitute a determination of liability from which an appeal may be had in the same manner and to the same extent as provided for appeals relating to determinations in respect to claims for benefits:

PROVIDED, That an appeal from any determination covering overpayment only, shall be deemed to be an appeal from the determination which was the basis for establishing the overpayment unless the merits involved in the issue set forth in such determination have already been heard and passed upon by the appeal tribunal. If no such appeal is taken to the appeal tribunal by the individual within ten days of the delivery of the notice of determination of liability, or within ten days of the mailing of the notice of determination, whichever is the earlier, said determination of liability shall be deemed conclusive and final, and the court shall, upon application of the commissioner, enter a judgment in the amount provided by the notice of determination, which judgment shall have and be given the same effect as if entered pursuant to civil action.

On request of any agency which administers an employment security law of another state, the United States or a foreign government and which has found in accordance with the provisions of such law that a claimant is liable to repay benefits received under such law by reason of having knowingly made a false statement or misrepresentation of a material fact with respect to a claim taken in this state as an agent for such agency, the commissioner may collect the amount of such benefits from such claimant to be refunded to such agency. In any case in which under this section a claimant is liable to repay any amount to the agency of another state, the United States or a foreign government, such amounts may be collected without interest by civil action in the name of the commissioner acting as agent for such agency if the other state, the United States or the foreign government extends such collection rights to the employment security department of the state of Washington, and provided that the court costs be paid by the governmental agency benefitting from such collection. [1973 1st ex.s. c 158 § 7; 1953 ex.s. c 8 § 14; 1951 c 215 § 8; 1947 c 215 § 18; 1945 c 35 § 87; Rem. Supp. 1947 § 9998-225. Prior: 1943 c 127 § 12; 1941 c 253 § 13; 1939 c 214 § 14; 1937 c 162 § 16.]

Effective date—1973 1st ex.s. c 158:
See note following RCW 50.08.020.

Chapter 50.22 EXTENDED BENEFITS

50.22.010 DEFINITIONS. As used in this chapter, unless the context clearly indicates otherwise:

(1) "Extended benefit period" means a period which:

(a) Begins with the third week after whichever of the following weeks occurs first:

(i) a week for which there is a national "on" indicator, or

(ii) a week for which there is a state "on" indicator: PROVIDED, That, as there was a state "on" indicator for the week which was three weeks prior to October 11, 1970, an extended benefit period began on that date.

(b) Ends with the third week after the first week for which there is both a national "off" indicator and a state "off" indicator: PROVIDED, That no extended benefit period shall last for a period of less than thirteen consecutive weeks, and further that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this state: AND PROVIDED FURTHER, That prior to January 1, 1972, an extended benefit period may become effective and be terminated in this state solely by reason of a state "on" and a state "off" indicator, respectively.

(2) There is a "national 'on' indicator" for a week if the United States secretary of labor determines that for each of the three most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states equaled or exceeded four and five-tenths percent.

(3) There is a "national 'off' indicator" for a week if the United States secretary of labor determines that for each of the three most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states was less than four and five-tenths percent.

(4) There is a "state 'on' indicator" for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) as determined under the provisions of subsection (6) of this section:

(a) equaled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, and

(b) equaled or exceeded four percent.

(5) There is a "state 'off' indicator" for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) as determined under the provisions of subsection (6) of this section was either:

(a) Less than one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years; or

(b) Less than four percent.

(6) "Rate of insured unemployment", for purposes of subsections (4) and (5) of this section, means the percentage derived by dividing the average weekly number of individuals filing claims in this state for weeks of unemployment with respect to the most recent thirteen-consecutive-week period, as determined by the commissioner on the basis of his reports to the United States secretary of labor; by the average monthly employment covered under this title for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.

(7) "Regular benefits" means benefits payable to an individual under this title or, under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits or additional benefits.

(8) "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than emergency benefits payable to an individual under the provisions of this chapter for weeks of unemployment in his eligibility period.

(9) "Additional benefits" are benefits other than regular benefits or extended benefits.

(10) "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period that is in effect in this state and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

(11) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were payable to him under this title or any other state law (including dependents' allowances and regular benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week; or

(b) Has received, prior to such week, all of the regular benefits that were available to him under this title or any other state law (including dependents' allowances and regular benefits available to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week, after the cancellation of some or all of his wage credits or the total or partial reduction of his rights to regular benefits: PROVIDED, That, for the purposes of (a) and (b), an individual shall be deemed to have received in his current benefit year all of the regular benefits that were payable to him, or available to him, as the case may be, even though (i) as a result of a pending appeal with respect to wages or employment, or both,

that were not included in the original monetary determination with respect to his current benefit year, he may subsequently be determined to be entitled to more regular benefits; or (ii) by reason of the seasonal provisions of another state law, he is not entitled to regular benefits with respect to such week of unemployment (although he may be entitled to regular benefits with respect to future weeks of unemployment in the next season, as the case may be, in his current benefit year), and he is otherwise an exhaustee within the meaning of this section with respect to his right to regular benefits under such state law seasonal provisions during the season or off season in which that week of unemployment occurs; or (iii) having established a benefit year, no regular benefits are payable to him during such year because his wage credits were canceled or his right to regular benefits was totally reduced as the result of the application of a disqualification; or

(c) His benefit year having ended prior to such week, he has insufficient wages or employment, or both, on the basis of which he could establish in any state a new benefit year that would include such week, or having established a new benefit year that includes such week, he is precluded from receiving regular benefits by reason of the provision in RCW 50.04.030 which meets the requirement of section 3304 (a) (7) of the Federal Unemployment Tax Act, or the similar provision in any other state law; and

(d) (i) Has no right for such week to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, and such other federal laws as are specified in regulations issued by the United States secretary of labor; and

(ii) has not received and is not seeking for such week unemployment benefits under the unemployment compensation law of the Virgin Islands or Canada, unless the appropriate agency finally determines that he is not entitled to unemployment benefits under such law for such week.

(12) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the internal revenue code of 1954. [1973 c 73 § 7; 1971 c 1 § 2.]

Effective date—1973 c 73: See note following RCW 50.04.030.

50.22.070 EFFECT OF BENEFITS PAID UNDER RCW 50.20.127. [1971 c 1 § 8.] Repealed by 1973 c 73 § 12, effective March 8, 1973.

50.22.080 TEMPORARY EMERGENCY BENEFIT PROGRAM—QUALIFICATION FOR EMERGENCY BENEFITS—AMOUNT OF BENEFITS—APPLICATION OF TITLE PROVISIONS AND COMMISSIONER'S REGULATIONS. [1971 c 1 § 9.] Repealed by 1973 c 73 § 12, effective March 8, 1973.

Chapter 50.24
CONTRIBUTIONS BY EMPLOYERS

50.24.015 WAGES—DEEMED PAID WHEN CONTRACTUALLY DUE. For the purposes of liability for, collection of, and assessment of contributions, wages shall be deemed paid when such wages are contractually due but are unpaid because of the refusal or inability of the employer to make such payment. [1973 1st ex.s. c 158 § 19.]

Effective date—1973 1st ex.s. c 158: See note following RCW 50.08.020.

50.24.040 INTEREST ON DELINQUENT CONTRIBUTIONS. If contributions are not paid on the date on which they are due and payable as prescribed by the commissioner, the whole or part thereof remaining unpaid shall bear interest at the rate of one percent per month or fraction thereof from and after such date until payment plus accrued interest is received by him. Interest shall not accrue in excess of twenty-four percent for delinquent contributions for any one contributions period. The date as of which payment of contributions, if mailed, is deemed to have been received may be determined by such regulations as the commissioner may prescribe. Interest collected pursuant to this section shall be paid into the administrative contingency fund. Interest shall not accrue on contributions from any estate in the hands of a receiver, executor, administrator, trustee in bankruptcy, common law assignee or other liquidating officer subsequent to the date when such receiver, executor, administrator, trustee in bankruptcy, common law assignee or other liquidating officer qualifies as such, but contributions accruing with respect to employment of persons by any receiver, executor, administrator, trustee in bankruptcy, common law assignee or other liquidating officer shall become due and shall draw interest in the same manner as contributions due from other employers. Where adequate information has been furnished the department and the department has failed to act or has advised the employer of no liability or inability to decide the issue, interest may be waived. [1973 1st ex.s. c 158 § 8; 1953 ex.s. c 8 § 16; 1945 c 35 § 92; Rem. Supp. 1945 § 9998-230. Prior: 1943 c 127 § 10; 1941 c 253 § 11.]

Effective date—1973 1st ex.s. c 158: See note following RCW 50.08.020.

50.24.050 LIEN FOR CONTRIBUTIONS GENERALLY. The claim of the unemployment compensation division for any contributions, including interest thereon, not paid when due, shall be a lien prior to all other liens or claims and on a parity with prior tax liens against all property and rights to property, whether real or personal, belonging to the employer. In order to avail itself of the lien hereby created, the unemployment compensation division shall file with any county auditor a statement and claim of lien specifying the amount of delinquent contributions and interest claimed by the division. From the time of filing for record, the amount required to be paid shall constitute a lien upon all property and rights to property, whether real or personal, in the county, owned by the employer or acquired by him. The lien shall not be valid against any purchaser, holder of a security interest, mechanic's lien, or judgment lien creditor until notice thereof has been filed with the county auditor. This lien shall be separate and apart from, and in addition to, any other lien or claim created by, or provided for in, this title. When any such notice of lien has been so filed, the commissioner may release the same by filing a certificate of release when it shall appear that the amount of delinquent contributions together with all interest thereon have been paid, or when such assurance of payment shall be made as the commissioner may deem to be adequate. Any lien filed as provided in this section may also be filed in the office of the secretary of state. Filing in the office of the secretary of state shall be of no effect, however, until the lien or copy thereof shall have been filed with the county auditor in the county where the property is located. When a lien is filed in compliance herewith and with the secretary of state, such filing shall have the same effect as if the lien had been duly filed for record in the office of the auditor in each county of this state. Fees for filing and releasing the lien provided herein may be charged to the employer and may be collected from the employer utilizing the remedies provided in this title for the collection of contributions. [1973 1st ex.s. c 158 § 9; 1947 c 215 § 19; 1945 c 35 § 93; Rem. Supp. 1947 § 9998-231. Prior: 1943 c 127 § 10; 1941 c 253 § 11; 1939 c 214 § 12; 1937 c 162 § 14.]

Effective date--1973 1st ex.s. c 158:
See note following RCW 50.08.020.

50.24.130 CONTRACTOR'S AND PRINCIPAL'S LIABILITY FOR CONTRIBUTIONS. No employing unit which contracts with or has under it any contractor or subcontractor who is an employer under the provisions of this title shall make any payment or advance to, or secure any credit for, such contractor or subcontractor or on account of

any contract or contracts to which said employing unit is a party unless such contractor or subcontractor has paid contributions, due or to become due for wages paid or to be paid by such contractor or subcontractor for personal services performed pursuant to such contract or subcontract, or has furnished a good and sufficient bond acceptable to the commissioner for payment of contributions, including interest. Failure to comply with the provisions of this section shall render said employing unit directly liable for such contributions and interest and the commissioner shall have all of the remedies of collection against said employing unit under the provisions of this title as though the services in question were performed directly for said employing unit. [1973 1st ex.s. c 158 § 10; 1949 c 214 § 21; 1945 c 35 § 101; Rem. Supp. 1949 § 9998-239.]

Effective date--1973 1st ex.s. c 158:
See note following RCW 50.08.020.

Chapter 50.29 EMPLOYER EXPERIENCE RATING

50.29.010 DEFINITIONS. As used in this chapter:

"Computation date" means July 1st of any year;

"Cut-off date" means September 30th next following the computation date;

"Rate year" means the calendar year immediately following the computation date;

"Experience rating year" is the twelve-month period beginning with July 1st of one calendar year and ending on June 30th of the following calendar year;

"Payroll" means all wages (as defined for contribution purposes) paid by an employer to individuals in his employment;

"Acquire" means the right to occupy or use the operating assets formerly in the possession of a predecessor employer whether that acquisition be by purchase, lease, gift, or by any legal process;

"Qualified employer" means: (1) Any employer as of the computation date who had some employment in the twelve-month period immediately preceding April 1st of the first of the three consecutive calendar years immediately preceding the computation date and who had no period of four or more consecutive calendar quarters in such three years for which he reported no employment, except that no employer shall be deemed a qualified employer unless all contributions required under this title from him or his predecessors for the thirty-six month period immediately preceding the computation date have been paid by the cut-off date or within twenty days of mailing of special delinquency notice as provided in RCW 50.29.070; or (2) Any employer as of the computation date who has not been subject to this title for a period of time sufficient to be classified

as a qualified employer under the provision of subdivision (1) of this paragraph but who had some employment in the twelve-month period immediately preceding April 1st of the first of the two consecutive calendar years immediately preceding the computation date and who had no period of four or more consecutive calendar quarters in such two years for which he reported no employment, except that no employer shall be deemed a qualified employer unless all contributions required under this title from him or his predecessors for the twenty-four month period immediately preceding the computation date have been paid by the cut-off date or within twenty days of mailing of special delinquency notice as provided in RCW 50.29.070: PROVIDED, That for the purpose of this section, unpaid contributions of twenty-five dollars or less or unpaid contributions of one-half of one percent of the employer's total tax reported for the twelve-month period immediately preceding the computation date may be disregarded if showing is made to the satisfaction of the commissioner that an otherwise qualified employer acted in good faith and that forfeiture of qualification for a reduced contribution rate because of such delinquency would be inequitable: PROVIDED, FURTHER, That when an employer or prospective employer has acquired all or substantially all of the operating assets of an employer, or has acquired an operating department, section, division, or any substantial portion of the business or assets of any employer, which is clearly segregable and identifiable for experience rating purposes, the payroll record and benefit charges of the transferring employer shall be divided between the transferring and acquiring employers in proportion to the payrolls for the four preceding completed calendar quarters attributable to the operating assets retained and conveyed. The successor employer shall be liable for contributions on the acquired business from the date the transfer of the business occurred. The separate account of a predecessor or that part thereof which is transferred shall become the separate account or part of separate account as the case may be of the successor employer.

"Surplus" is an amount of moneys in the unemployment compensation fund deemed in excess of the amount needed to insure the solvency of the fund. The "surplus" is determined in the following manner:

(1) For computations prior to January 1, 1974, the total remuneration paid during the calendar year preceding the computation date shall be multiplied by four percent and the product shall be subtracted from the amount in the fund as of the June 30th immediately preceding the computation date. If that balance is at least one-tenth of one percent of the total remuneration paid during the calendar year, that portion of the balance not

exceeding forty one-hundredths of one percent of the total remuneration paid during the preceding calendar year shall be deemed "surplus". Total remuneration paid in this computation is limited to remuneration paid during the calendar year preceding the computation date and reported to the department of employment security on or before the March 31st immediately preceding the computation date.

(2) For computations subsequent to January 1, 1974, the allowable "surplus" shall be computed by use of the following table. Column A represents the ratio of the unemployment compensation fund as of the June 30th preceding the computation date to total remuneration for the preceding calendar year. The percentage figures in Column B represent the maximum percentage of total remuneration during the preceding calendar year which may be deemed as "surplus" in view of the corresponding figures in Column A. No amount of the fund shall be declared surplus if the balance in the fund as of the June 30th immediately preceding the computation date is not at least one-tenth of one percent of total remuneration paid during the preceding calendar year in excess of four percent of total remuneration paid during the preceding calendar year. The percentage amount of total remuneration during the preceding calendar year, Column B, may be deemed surplus only to the extent that the balance remaining in the unemployment compensation fund exceeds four percent of the total remuneration paid during the preceding calendar year. Total remuneration paid in this computation is limited to remuneration paid during the calendar year preceding the computation date and reported to the department of employment security on or before the March 31st immediately preceding the computation date.

<u>Column A</u>	<u>Column B</u>
4.1% but less than 4.8%	0.40%
4.8% but less than 5.2%	0.55%
5.2% or more	0.70%

(3) In all computations of "surplus" moneys paid from the fund, based on services performed for employers who make payments in lieu of contributions, which have not been reimbursed to the fund as of any June 30 shall be deemed an asset of the unemployment compensation fund, to the extent that such moneys exceed the amount of payments in lieu of contributions which the commissioner has previously determined to be uncollectible: PROVIDED, FURTHER, That the amount attributable to employment with the state shall also include interest as provided for in RCW 50.44.020. [1973 1st ex.s. c 158 § 11; 1971 c 3 § 16; 1970 ex.s. c 2 § 10.]

Effective date—1973 1st ex.s. c 158:
See note following RCW 50.08.020.

50.29.040 EMPLOYER'S AVERAGE ANNUAL DECREASE QUOTIENT FACTOR AND BENEFIT CHARGE-BACK FACTOR. For the rate year 1971 and each rate year thereafter an annual decrease quotient factor and a benefit charge-back factor shall be computed for each qualified employer, each to be determined as provided in subsections (1) and (2) hereof respectively:

(1) To determine a qualified employer's average annual decrease quotient his payroll for the three experience rating years immediately preceding the computation date shall be listed in chronological order. The first annual decrease quotient shall be obtained by dividing any decrease in his payroll between the first and second of his experience rating years by the payroll for the first of such years, the division being carried to the fourth decimal place, with the remaining fraction, if any, disregarded. The second annual decrease quotient shall be obtained by dividing any decrease in his payroll between the second and third of the listed experience rating years by the payroll for the second listed year, the division being carried to the fourth decimal place, with the remaining fraction, if any, disregarded. The employer's average annual decrease quotient shall be obtained by adding his first and second decrease quotients, if any, and dividing by two. The employer's average annual decrease quotient shall determine the point value to be assigned to such employer as his annual decrease quotient factor in accordance with the following schedule.

The annual decrease quotient of a qualified employer who has payrolls for fewer than three experience rating years shall be obtained by dividing any decrease of the employer's payroll in the experience rating year immediately preceding the computation date from the payroll in the preceding experience rating year by the amount of the payroll in such preceding experience rating year, such division being carried to the fourth decimal place, with the remaining fraction, if any, disregarded. This annual decrease quotient shall be deemed to be his average annual decrease quotient and shall determine the point value to be assigned to such employer as his annual decrease quotient factor in accordance with the following schedule:

<u>Annual Decrease Quotient</u>	<u>Point Value</u>
0.0000-0.0124.....	10
0.0125-0.0249.....	9
0.0250-0.0374.....	8
0.0375-0.0499.....	7
0.0500-0.0749.....	6
0.0750-0.0999.....	5
0.1000-0.1499.....	4
0.1500-0.1999.....	3
0.2000-0.2499.....	2
0.2500 or more.....	1

(2) The charge-back ratio for a qualified employer shall be the quotient obtained by dividing the total benefits charged to his account during the thirty-six consecutive month period immediately preceding the computation date by his payroll for the same thirty-six month period as reported by the cut-off date, except that the charge-back ratio of any qualified employer whose account has been chargeable for a period of fewer than thirty-six months immediately prior to the computation date shall be the quotient obtained by dividing total benefits charged to his account, prior to the computation date, by his payroll set forth as follows: The payroll shall be that reported by the cut-off date, for the period beginning with the first day of the second calendar quarter following the calendar quarter in which he became liable, and through the end of the calendar quarter immediately preceding the computation date. The charge-back ratios shall be extended to four decimal places, with the remaining fraction, if any, disregarded. The charge-back ratios so obtained shall determine the point value to be assigned each employer as his charge-back factor in accordance with the following schedule:

<u>Charge-back Ratios</u>	<u>Point Value</u>
Less than 0.0010.....	10
0.0010-0.0039.....	9
0.0040-0.0079.....	8
0.0080-0.0119.....	7
0.0120-0.0159.....	6
0.0160-0.0199.....	5
0.0200-0.0219.....	4
0.0220-0.0239.....	3
0.0240-0.0269.....	2
0.0270 and over.....	1

[1973 1st ex.s. c 158 § 12; 1970 ex.s. c 2 § 13.]

Effective date—1973 1st ex.s. c 158:
See note following RCW 50.08.020.

50.29.060 PREDECESSOR AND SUCCESSOR EMPLOYER CONTRIBUTION RATES. Effective January 1, 1971, predecessor and successor employer contribution rates shall be computed in the following manner:

(1) If the successor is an employer at the time of the transfer, his contribution rate shall remain unchanged for the remainder of the rate year in which the transfer occurs.

(2) The contribution rate on any payroll retained by a predecessor employer shall remain unchanged for the remainder of the rate year in which the transfer occurs.

(3) If the successor is not an employer at the time of the transfer, he shall pay contributions for the remainder of the rate year in which the transfer occurs at

the rate assigned to the predecessor employer.

(4) If the successor is not an employer at the time of the transfer and simultaneously acquires the business or a portion of the business of two or more employers in different rate classes, his rate from the date the transfer occurred until the end of the rate year in which such transfer occurred shall be a recomputed rate based on the combined experience of his predecessors as of the cut-off date for that rate year.

(5) In all cases, from and after January 1, following the transfer, the successor's contribution rate for each rate year shall be based on his experience with payrolls and benefits combined with the experience of his predecessor or predecessors, as of the regular computation date for that rate year.

(6) In all cases, from and after January 1 following the transfer, the predecessor's contribution rate for each rate year shall be based on his experience with payrolls and benefits, as of the regular computation date for that rate year, excluding therefrom such experience as was credited to the successor or successors under other provisions of this title: PROVIDED, That if all of the predecessor's experience with payrolls and benefits is transferred to a successor or successors the predecessor shall not be a qualified employer within the meaning of RCW 50.29-.010 until his account following the date of the transfer has been chargeable with benefits throughout not less than thirty-six consecutive months immediately preceding the computation date. [1973 1st ex.s. c 158 § 13; 1970 ex.s. c 2 § 15.]

Effective date—1973 1st ex.s. c 158:
See note following RCW 50.08.020.

50.29.070 NOTICE OF EMPLOYER BENEFIT CHARGES AND RATE OF CONTRIBUTION—REQUEST FOR REVIEW AND REDETERMINATION—PETITION FOR HEARING UPON DENIAL—FURTHER APPEAL. Within a reasonable time after the computation date, each employer shall be notified of the total amount of benefits charged to his account during the twelve-month period immediately preceding the computation date and, upon request, the amount of such charges with respect to each individual receiving unemployment benefits charged to his account.

Within a reasonable time after the computation date each employer shall be notified of his rate of contribution as determined for the succeeding rate year.

At the time of mailing rate notices any employer who, prior to the cut-off date has acquired all or substantially all of the operating assets, or has acquired an operating department, section, division, or any substantial portion of the business or assets, of any employer who was not a qualified employer as defined in RCW 50.29.010 because of having failed to pay

all contributions required under this title by the cut-off date, shall be furnished a special delinquency statement showing the amount unpaid and the rate of contribution to which such successor employer will be entitled if the amount is paid within twenty days.

Any employer dissatisfied with the benefit charges made to his account or with his determined rate may file a request for review and redetermination with the commissioner within thirty days of the mailing of the notice to the employer, showing the reason for such request. Should such request for review and redetermination be denied, the employer may, within ten days of the mailing of such notice of denial, file with the appeal tribunal a petition for hearing which shall be heard in the same manner as a petition for denial of refund. The appellate procedure prescribed by this title for further appeal shall apply to all denials of review and redetermination under this section. [1973 1st ex.s. c 158 § 14; 1970 ex.s. c 2 § 16.]

Effective date—1973 1st ex.s. c 158:
See note following RCW 50.08.020.

Chapter 50.32 REVIEW, HEARINGS AND APPEALS

50.32.040 BENEFIT APPEALS PROCEDURE. In any proceeding before an appeal tribunal involving a dispute of an individual's initial determination, all matters covered by such initial determination shall be deemed to be in issue irrespective of the particular ground or grounds set forth in the notice of appeal.

In any proceeding before an appeal tribunal involving a dispute of an individual's claim for waiting period credit or claim for benefits, all matters and provisions of this title relating to the individual's right to receive such credit or benefits for the period in question shall be deemed to be in issue irrespective of the particular ground or grounds set forth in the notice of appeal.

In any proceeding before an appeal tribunal involving an individual's right to benefits, all parties shall be afforded an opportunity for hearing after not less than seven days' notice. This provision supersedes the twenty-day notice provision of RCW 34.04.090 as to such cases.

In any proceeding involving an appeal relating to benefit determinations or benefit claims, the appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall render its decision affirming, modifying, or setting aside the determination or decisions of the unemployment compensation division. The parties shall be duly notified of such appeal tribunal's decision together with its reasons therefor, which shall be deemed to be the final decision on the

initial determination or the claim for waiting period credit or the claim for benefits unless, within ten days after the date of notification or mailing, whichever is the earlier, of such decision, further appeal is perfected pursuant to the provisions of this title relating to review by the commissioner. [1973 c 73 § 8; 1945 c 35 § 120; Rem. Supp. 1945 § 9998-258. Prior: 1943 c 127 § 4; 1941 c 253 § 4; 1939 c 214 § 4; 1937 c 162 § 6.]

Effective date—1973 c 73: See note following RCW 50.04.030.

50.32.090 FINALITY OF COMMISSIONER'S DECISION. Any decision of the commissioner involving a review of an appeal tribunal decision, in the absence of a petition therefrom as provided in RCW 34.04.130, shall become final thirty days after service. The commissioner shall be deemed to be a party to any judicial action involving any such decision and shall be represented in any such judicial action by the attorney general. [1973 1st ex.s. c 158 § 15; 1945 c 35 § 125; Rem. Supp. 1945 § 9998-263.]

Effective date—1973 1st ex.s. c 158: See note following RCW 50.08.020.

50.32.120 PROCEDURE FOR JUDICIAL REVIEW. Judicial review of a decision of the commissioner involving the review of an appeals tribunal decision may be had only in accordance with the procedural requirements of RCW 34.04.130. [1973 1st ex.s. c 158 § 16; 1971 c 81 § 119; 1945 c 35 § 128; Rem. Supp. 1945 § 9998-266. Prior: 1943 c 127 § 4; 1941 c 253 § 4; 1939 c 214 § 4; 1937 c 162 § 6.]

Effective date—1973 1st ex.s. c 158: See note following RCW 50.08.020.

50.32.130 UNDERTAKINGS ON SEEKING JUDICIAL REVIEW. No bond of any kind shall be required of any individual seeking judicial review from a commissioner's decision affecting such individual's application for initial determination or claim for waiting period credit or for benefits.

No commissioner's decision shall be stayed by a petition for judicial review unless the petitioning employer shall first deposit an undertaking in an amount theretofore deemed by the commissioner to be due, if any, from the petitioning employer, together with interest thereon, if any, with the commissioner or in the registry of the court: PROVIDED, HOWEVER, That this section shall not be deemed to authorize a stay in the payment of benefits to an individual when such individual has been held entitled thereto by a decision of the commissioner which decision either affirms, reverses, or modifies

a decision of an appeals tribunal. [1973 1st ex.s. c 158 § 17; 1971 c 81 § 120; 1945 c 35 § 129; Rem. Supp. 1945 § 9998-267. Prior: 1943 c 127 § 4; 1941 c 253 § 4.]

Effective date—1973 1st ex.s. c 158: See note following RCW 50.08.020.

50.32.140 INTERSTATE PETITIONS TO THURSTON COUNTY. RCW 34.04.130 to the contrary notwithstanding, petitions to the superior court from decisions of the commissioner dealing with the applications or claims relating to benefit payments which were filed outside of this state with an authorized representative of the commissioner shall be filed with the superior court of Thurston county which shall have the original venue of such appeals. [1973 1st ex.s. c 158 § 18; 1945 c 35 § 130; Rem. Supp. 1945 § 9998-268.]

Effective date—1973 1st ex.s. c 158: See note following RCW 50.08.020.

Chapter 50.44
SPECIAL COVERAGE PROVISIONS

50.44.040 SERVICES EXCLUDED UNDER "EMPLOYMENT" AS USED IN RCW 50.44.010, 50.44.020 AND 50.44.030. The term "employment" as used in RCW 50.44.010, 50.44.020 and 50.44.030 shall not include service performed:

(1) In the employ of (a) a church or convention or association of churches, or (b) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(2) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(3) In the employ of a nongovernmental educational institution, approved or accredited by the state board of education, which is not an "institution of higher education"; or

(4) In a facility conducted for the purpose of carrying out a program of (a) rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or (b) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

(5) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by a federal agency or an agency of a state or

political subdivision thereof, by an individual receiving such work-relief or work-training; or

(6) For a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution; or

(7) In the employ of a hospital, if such service is performed by a patient of such hospital; or

(8) In the employ of a school, college, or university, if such service is performed (a) by a student who is enrolled and is regularly attending classes at such school, college, or university, or (b) by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that (i) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (ii) such employment will not be covered by any program of unemployment insurance; or

(9) By an individual under the age of twenty-two who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employee, except that this subsection shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

(10) In the employ of the state or one of its instrumentalities or a political subdivision or one of its instrumentalities by an individual who is (a) occupying an elective office, or (b) who is compensated solely on a fee or per diem basis. [1973 c 73 § 9; 1971 c 3 § 21.]

Effective date--1973 c 73: See note following RCW 50.04.030.

50.44.050 BENEFITS PAYABLE, TERMS AND CONDITIONS. Benefits based on services in employment covered by or pursuant to this chapter shall be payable on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this title: PROVIDED, HOWEVER, That benefits based on service in an instructional, research or principal administrative capacity in an institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided

for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for an institution or institutions of higher education for both such academic years or both such terms: PROVIDED, FURTHER, That benefits based on service in an instructional, research, or principal administrative capacity in an educational institution other than an institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity in an educational institution or institutions other than an institution of higher education for both such academic years or both such terms: PROVIDED, FURTHER, That any employee of a common school district who is conclusively presumed to have been reemployed pursuant to RCW 28A.67.070 shall be deemed to have a contract for the ensuing term. [1973 c 73 § 10; 1971 c 3 § 22.]

Effective date--1973 c 73: See note following RCW 50.04.030.

50.44.070 SURETY BOND OR DEPOSIT OF MONEY OR SECURITIES WHEN ELECTION TO MAKE PAYMENTS IN LIEU OF CONTRIBUTIONS. In the discretion of the commissioner, any nonprofit organization that elects to become liable for payments in lieu of contributions shall be required within thirty days after the effective date of its election, to execute and file with the commissioner a surety bond approved by the commissioner or it may elect instead to deposit with the commissioner money or securities. The amount of such bond or deposit shall be determined in accordance with the provisions of this section.

(1) The amount of the bond or deposit required by this subsection shall be an amount deemed by the commissioner to be sufficient to cover any reimbursement payments which may be required from the employer attributable to employment during any year for which the election is in effect but in no event shall such amount be in excess of the amount which said employer would pay for such year if he were subject to the contribution provisions of this title. The determination made pursuant to this subsection shall be based on payroll information, employment experience, and such other factors as the commissioner deems pertinent.

(2) Any bond deposited under this section shall be in force for a period of not less than two taxable years and shall be renewed with the approval of the commissioner, at such times as the commissioner may prescribe, but not less frequently

than at two-year intervals as long as the organization continues to be liable for payments in lieu of contributions. The commissioner shall require adjustments to be made in a previously filed bond as he deems appropriate. If the bond is to be increased, the adjusted bond shall be filed by the organization within thirty days of the date notice of the required adjustment was mailed or otherwise delivered to it. Failure by any organization covered by such bond to pay the full amount of payments in lieu of contributions when due, together with any applicable interest and penalties provided for in this title, shall render the surety liable on said bond to the extent of the bond, as though the surety was such organization.

(3) Any deposit of money or securities in accordance with this section shall be retained by the commissioner in an escrow account until liability under the election is terminated, at which time it shall be returned to the organization, less any deductions as hereinafter provided. The commissioner may deduct from the money deposited under this section by a nonprofit organization or sell the securities it has so deposited to the extent necessary to satisfy any due and unpaid payments in lieu of contributions and any applicable interest and penalties provided for in this act. The commissioner shall require the organization within thirty days following any deduction from a money deposit or sale of deposited securities under the provisions of this subsection to deposit sufficient additional money or securities to make whole the organization's deposit at the prior level. Any cash remaining from the sale of such securities shall be a part of the organization's escrow account. The commissioner may, at any time review the adequacy of the deposit made by any organization. If, as a result of such review, he determines that an adjustment is necessary he shall require the organization to make an additional deposit within thirty days of written notice of his determination or shall return to it such portion of the deposit as he no longer considers necessary, whichever action is appropriate. Disposition of income from securities held in escrow shall be governed by the applicable provisions of the state law.

(4) If any nonprofit organization fails to file a bond or make a deposit, or to increase or make whole the amount of a previously made deposit, as provided under this section the commissioner may terminate such organization's election to make payments in lieu of contributions and such termination shall continue for not less than the four-consecutive-calendar-quarter period beginning with the quarter in which termination becomes effective: PROVIDED, That the commissioner may extend for good cause the applicable filing, deposit or adjustment period by not more than thirty days. [1973 c 73 § 11; 1971 c 3 § 24.]

Effective date—1973 c 73: See note following RCW 50.04.030.

TITLE 51
INDUSTRIAL INSURANCE

Sections added, amended, or repealed:

Chapter 51.08 Definitions.

51.08.020 "Beneficiary".

Chapter 51.12 Employments and Occupations Covered.

51.12.020 Employments excluded.

51.12.080 Interstate, foreign and intrastate railway employees.

51.12.130 Registered apprentices or trainees.

Chapter 51.16 Assessment and Collection of Premiums—Payrolls and Records.

51.16.060 Quarterly report of payrolls.

51.16.105 Expenses of safety division, how financed.

51.16.140 Premium liability of workman.

Chapter 51.24 Actions at Law for Injury or Death.

51.24.010 Right of action against third party—Intervention and subrogation rights of department or self-insurer—Compromise and settlement.

51.24.020 Action against employer for intentional injury.

Chapter 51.32 Compensation—Right to and Amount.

51.32.040 Exemption of awards—Payment of awards after death—Time limitations for filing—Confinement in institution under conviction and sentence.

51.32.050 Death benefits.

51.32.060 Permanent total disability compensation—Personal attendant.

51.32.070 Additional payments for prior pensioners—Personal attendant.

51.32.073 Additional payments for prior pensioners—Premium liability of workman and employer for additional payments.

51.32.135 Closing of claim conclusive in pension cases—Consent of spouse may be required.

51.32.160 Aggravation, diminution, or termination.

Chapter 51.40 Medical Aid Contracts.

51.40.040 Provision for medical aid when contract service ended.

Chapter 51.44 Funds.

- 51.44.100 Investment of accident, medical aid, reserve funds.
 51.44.110 Disbursements of funds.

Chapter 51.52 Appeals.

- 51.52.110 Court appeal—Taking the appeal.

Cross Reference:

Victims of crimes, rights to benefits:
 Chapter 7.68 RCW.

Chapter 51.04
 GENERAL PROVISIONS

Cross Reference:

Public assistance recipient receiving industrial insurance compensation, recovery by department: RCW 74.04.530-74.04.580.

Chapter 51.08
 DEFINITIONS

51.08.020 "BENEFICIARY". "Beneficiary" means a husband, wife, child, or dependent of a workman in whom shall vest a right to receive payment under this title: PROVIDED, That a husband or wife of an injured workman, living separate and apart in a state of abandonment, regardless of the party responsible therefor, for more than one year at the time of the injury or subsequently, shall not be a beneficiary. A spouse who has lived separate and apart from the other spouse for the period of two years and who has not, during that time, received, or attempted by process of law to collect, funds for maintenance, shall be deemed living in a state of abandonment. [1973 1st ex.s. c 154 § 91; 1961 c 23 § 51.08.020. Prior: 1957 c 70 § 6; prior: (i) 1939 c 41 § 2, part; 1929 c 132 § 1, part; 1927 c 310 § 2, part; 1921 c 182 § 2, part; 1919 c 131 § 2, part; 1917 c 120 § 1, part; 1911 c 74 § 3, part; RRS § 7675, part. (ii) 1949 c 219 § 1, part; 1947 c 246 § 1, part; 1929 c 132 § 2, part; 1927 c 310 § 4, part; 1923 c 136 § 2, part; 1919 c 131 § 4, part; 1917 c 28 § 1, part; 1913 c 148 § 1, part; 1911 c 74 § 5, part; Rem. Supp. 1949 § 7679, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 51.12
 EMPLOYMENTS AND OCCUPATIONS COVERED

51.12.020 EMPLOYMENTS EXCLUDED. The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer

who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, repair, remodeling, or similar work in or about the private home of the employer which does not exceed ten consecutive work days.

(3) A person whose work is casual and the employment is not in the course of the trade, business, or profession of his employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors and partners.

(6) Any employee, not regularly and continuously employed by the employer in agricultural labor, whose cash remuneration paid by or due from any one employer in that calendar year for agricultural labor is less than one hundred fifty dollars. Employees not regularly and continuously employed in agricultural labor by any one employer but who are employed in agricultural labor on a seasonal basis shall come under the coverage of this title only when their cash remuneration paid or due in that calendar year exceeds one hundred fifty dollars but only as of the occurrence of that event and only as to their work for that employer.)

(7) Any child under eighteen years of age employed by his parent or parents in agricultural activities on the family farm. [1973 c 124 § 1; 1972 ex.s. c 43 § 7; 1971 ex.s. c 289 § 3; 1961 c 23 § 51.12.020. Prior: 1955 c 74 § 3; prior: 1947 c 281 § 1, part; 1943 c 210 § 1, part; 1939 c 41 § 1, part; 1937 c 211 § 1, part; 1927 c 310 § 1, part; 1921 c 182 § 1, part; 1919 c 131 § 1, part; 1911 c 74 § 2, part; Rem. Supp. 1947 § 7674, part.]

51.12.080 INTERSTATE, FOREIGN AND INTRASTATE RAILWAY EMPLOYEES. Inasmuch as it has proved impossible in the case of employees of common carriers by railroad, engaged in maintenance and operation of railways doing interstate, foreign and intrastate commerce, and in maintenance and construction of their equipment, to separate and distinguish the connection of such employees with interstate or foreign commerce from their connection with intrastate commerce, and such employees have, in fact, received no compensation under this title, the provisions of this title shall not apply to work performed by such employees in the maintenance and operation of such railroads or performed in the maintenance or construction of their equipment, or to the employees of such common carriers by railroad engaged therein, but nothing herein shall be construed as excluding from the operation of this title railroad construction work, or the employees engaged thereon: PROVIDED, That common carriers by railroad engaged in such interstate or foreign commerce and in

intrastate commerce shall, in all cases where liability does not exist under the laws of the United States, be liable in damages to any person suffering injury while employed by such carrier, or in case of the death of such employee, to the surviving spouse and child, or children, and if no surviving spouse or child or children, then to the parents, minor sisters, or minor brothers, residents of the United States at the time of such death, and who were dependent upon such deceased for support, to the same extent and subject to the same limitations as the liability now existing, or hereafter created, by the laws of the United States governing recoveries by railroad employees injured while engaged in interstate commerce: PROVIDED FURTHER, That if any interstate common carrier by railroad shall also be engaged in one or more intrastate enterprises or industries (including street railways and power plants) other than its railroad, the foregoing provisions of this section shall not exclude from the operation of the other sections of this title or bring under the foregoing proviso of this section any work of such other enterprise or industry, the payroll of which may be clearly separable and distinguishable from the payroll of the maintenance or operation of such railroad, or of the maintenance or construction of its equipment: PROVIDED FURTHER, That nothing in this section shall be construed as relieving an independent contractor engaged through or by his employees in performing work for a common carrier by railroad, from the duty of complying with the terms of this title, nor as depriving any employee of such independent contractor of the benefits of this title. [1973 1st ex.s. c 154 § 92; 1972 ex.s. c 43 § 9; 1961 c 23 § 51.12.080. Prior: 1925 ex.s. c 84 § 1; 1919 c 67 § 1; 1917 c 29 § 19; 1911 c 74 § 18; RRS § 7693.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

51.12.130 REGISTERED APPRENTICES OR TRAINEES. (1) All persons registered as apprentices or trainees with the state apprenticeship council and participating in supplemental and related instruction classes conducted by a school district, a community college, a vocational school, or a local joint apprenticeship committee, shall be considered as workmen of the state apprenticeship council and subject to the provisions of Title 51 RCW, for the time spent in actual attendance at such supplemental and related instruction classes.

(2) The assumed wage rate for all apprentices or trainees during the hours they are participating in supplemental and related instruction classes, shall be three dollars per hour. This amount shall be used for purposes of computations of

premiums, and for purposes of computations of disability compensation payments.

(3) Only those apprentices or trainees who are registered with the state apprenticeship council prior to their injury or death and who incur such injury or death while participating in supplemental and related instruction classes shall be entitled to benefits under the provisions of Title 51 RCW.

(4) The filing of claims for benefits under the authority of this section shall be the exclusive remedy of apprentices or trainees and their beneficiaries for injuries or death compensable under the provisions of Title 51 RCW against the state, its political subdivisions, the school district, community college, or vocational school and their members, officers or employees or any employer regardless of negligence.

(5) This section shall not apply to any apprentice or trainee who has earned wages for the time spent in participating in supplemental and related instruction classes. [1973 c 110 § 1.]

Chapter 51.16
ASSESSMENT AND COLLECTION OF PREMIUMS—
PAYROLLS AND RECORDS

51.16.060 QUARTERLY REPORT OF PAYROLLS. Every employer not qualifying as a self-insurer shall insure with the state and shall, on or before the last day of January, April, July and October of each year thereafter, furnish the department with a true and accurate payroll for the period in which workmen were employed by him during the preceding calendar quarter, the total amount paid to such workmen during such preceding calendar quarter, and a segregation of employment in the different classes established pursuant to this title, and shall pay his premium thereon to the appropriate fund. The sufficiency of such statement shall be subject to the approval of the director: PROVIDED, That the director may in his discretion and for the effective administration of this title require an employer in individual instances to furnish a supplementary report containing the name of each individual workman, his hours worked, his rate of pay and the class or classes in which such work was performed: PROVIDED, FURTHER, That in the event an employer shall furnish the department with four consecutive quarterly reports wherein each such quarterly report indicates that no premium is due the department may close the account: AND, PROVIDED FURTHER, That the department may promulgate rules and regulations in accordance with chapter 34.04 RCW to establish other reporting periods and payment due dates in lieu of reports and payments following each calendar quarter, and may also establish terms and conditions for payment of premiums and assessments based on estimated payrolls,

with such payments being subject to approval as to sufficiency of the estimated payroll by the department, and also subject to appropriate periodic adjustments made by the department based on actual payroll. [1973 1st ex.s. c 32 § 1; 1971 ex.s. c 289 § 76; 1965 ex.s. c 80 § 1; 1961 c 23 § 51.16.060. Prior: 1959 c 308 § 14; 1957 c 70 § 47; prior: 1947 c 247 § 1, part; Rem. Supp. 1947 § 7676c, part.]

51.16.105 EXPENSES OF SAFETY DIVISION, HOW FINANCED. All expenses of the industrial safety and health division of the department pertaining to workmen's compensation shall be paid by the department and financed by premiums and by assessments collected from a self-insurer as provided in this title. [1973 1st ex.s. c 52 § 8; 1971 ex.s. c 289 § 86; 1961 c 23 § 51.16.105. Prior: 1953 c 218 § 2.]

Effective date—1973 1st ex.s. c 52:
See note following RCW 43.22.010.

51.16.140 PREMIUM LIABILITY OF WORKMAN. Every employer who is not a self-insurer shall deduct from the pay of each of his workmen one-half of the amount he is required to pay, for medical benefits within each risk classification. Such amount shall be periodically determined by the director and reported by him to all employers under this title: PROVIDED, That the state governmental unit shall pay the entire amount into the medical aid fund for volunteers, as defined in RCW 51.12.035, and the state apprenticeship council shall pay the entire amount into the medical aid fund for registered apprentices or trainees, for the purposes of RCW 51.12.130. It shall be unlawful for the employer, unless specifically authorized by this title, to deduct or obtain any part of the premium or other costs required to be by him paid from the wages or earnings of any of his workmen, and the making of or attempt to make any such deduction shall be a gross misdemeanor. [1973 c 110 § 2; 1971 ex.s. c 289 § 77; 1971 c 20 § 2; 1961 c 23 § 51.16.140. Prior: (i) 1923 c 136 § 8, part; 1919 c 129 § 1, part; 1917 c 29 § 4, part; RRS § 7713, part. (ii) 1947 c 247 § 1, part; Rem. Supp. 1947 § 7676e, part.]

Chapter 51.24

ACTIONS AT LAW FOR INJURY OR DEATH

51.24.010 RIGHT OF ACTION AGAINST THIRD PARTY—INTERVENTION AND SUBROGATION RIGHTS OF DEPARTMENT OR SELF-INSURER—COMPROMISE AND SETTLEMENT. If the injury to a workman is due to negligence or wrong of another not in the same employ, the injured workman or, if death results from the injury, the surviving spouse, children, or dependents, as the case may be,

shall elect whether to take under this title or seek a remedy against such other, such election to be in advance of any suit under this section and, if he takes under this title, the cause of action against such other shall be assigned to the department or self-insurer; if the other choice is made, the department or self-insurer shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected and the compensation provided or estimated by this title for such case: PROVIDED, That the injured workman or if death results from the injury, the surviving spouse, children or dependents as the case may be, electing to seek a remedy against such other person, shall receive benefits payable under this title as if such election had not been made, and the department or self-insurer to the extent of such payments having been made by the department or self-insurer to the injured workman or if death results from the injury, the surviving spouse, children or dependents as the case may be shall be subrogated to the rights of such person or persons against the recovery had from such third party and shall have a lien thereupon. Any such cause of action assigned to the department or self-insurer may be prosecuted or compromised by the department or self-insurer in its discretion in the name of the workman, beneficiaries, or legal representative. Any compromise by the workman of any such suit, which would leave a deficiency to be made good by the department or self-insurer may be made only with the written approval of the department or self-insurer. If such approval is not obtained, claim for the deficiency will be deemed to have been waived.

Any third party action brought under this title by such workman or beneficiary must be duly prosecuted; if the action is not filed or settled within one year of the notice of election, the cause of action shall be deemed assigned to the department or self-insurer if after thirty days notice the action is neither filed nor settled. If a cause of action which has been filed is not diligently prosecuted, the department or self-insurer shall have the right to petition the court in which the action is pending for an order assigning the cause of action to the department or self-insurer. Upon sufficient showing in the court's discretion of a lack of diligent prosecution, such an order shall issue.

In any action brought under this section wherein recovery is made by compromise and settlement or otherwise, the department or self-insurer, to the extent of the benefits paid or payable under this title, shall bear its proportionate share of attorney's fees and costs incurred by the injured workman or surviving spouse, children, or dependents, as the case may be, and the court shall approve the amount of attorney's fees. [1973 1st ex.s. c 154 §

93; 1971 ex.s. c 289 § 37; 1961 c 274 § 7; 1961 c 23 § 51.24.010. Prior: 1957 c 70 § 23; prior: 1939 c 41 § 2, part; 1929 c 132 § 1, part; 1927 c 310 § 2, part; 1921 c 182 § 2, part; 1919 c 131 § 2, part; 1917 c 120 § 1, part; 1911 c 74 § 3, part; RRS § 7675, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

51.24.020 ACTION AGAINST EMPLOYER FOR INTENTIONAL INJURY. If injury or death results to a workman from the deliberate intention of his employer to produce such injury or death, the workman, surviving spouse, child, or dependent of the workman shall have the privilege to take under this title and also have cause of action against the employer as if this title had not been enacted, for any excess of damages over the amount received or receivable under this title. [1973 1st ex.s. c 154 § 94; 1961 c 23 § 51.24.020. Prior: 1957 c 70 § 24; prior: 1927 c 310 § 5, part; 1919 c 131 § 5, part; 1911 c 74 § 6, part; RRS § 7680, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 51.32
COMPENSATION—RIGHT TO AND AMOUNT

Cross References:

Public assistance recipient receiving industrial insurance compensation, recovery by department: RCW 74.04.530-74.04.580.

Victims of crimes, rights to benefits: Chapter 7.68 RCW.

51.32.040 EXEMPTION OF AWARDS—PAYMENT OF AWARDS AFTER DEATH—TIME LIMITATIONS FOR FILING—CONFINEMENT IN INSTITUTION UNDER CONVICTION AND SENTENCE. No money paid or payable under this title shall, except as provided for in RCW 74.20A.090 and 74.20A.100, prior to the issuance and delivery of the check or warrant therefor, be capable of being assigned, charged, or ever be taken in execution or attached or garnished, nor shall the same pass, or be paid, to any other person by operation of law, or by any form of voluntary assignment, or power of attorney. Any such assignment or charge shall be void: PROVIDED, That if any workman suffers a permanent partial injury, and dies from some other cause than the accident which produced such injury before he shall have received payment of his award for such permanent partial injury, or if any workman suffers any other injury before he shall have received payment of any monthly installment covering any period of time prior to his death, the amount of such permanent partial award, or of such monthly payment or both, shall be paid to

there is no surviving spouse: PROVIDED FURTHER, That, if any workman suffers an injury and dies therefrom before he shall have received payment of any monthly installment covering time loss for any period of time prior to his death, the amount of such monthly payment shall be paid to the surviving spouse, or to the child or children if there is no surviving spouse: PROVIDED FURTHER, That any application for compensation under the foregoing provisos of this section shall be filed with the department or self-insuring employer within one year of the date of death: PROVIDED FURTHER, That if the injured workman resided in the United States as long as three years prior to the date of injury, such payment shall not be made to any surviving spouse or child who was at the time of the injury a nonresident of the United States: PROVIDED FURTHER, That any workman receiving benefits under this title who is subsequently confined in, or who subsequently becomes eligible therefor while confined in any institution under conviction and sentence shall have all payments of such compensation canceled during the period of confinement but after discharge from the institution payment of benefits thereafter due shall be paid if such workman would, but for the provisions of this proviso, otherwise be entitled thereto: PROVIDED FURTHER, That if such incarcerated workman has during such confinement period, any beneficiaries, they shall be paid directly the monthly benefits which would have been paid to him for himself and his beneficiaries had he not been so confined. Any lump sum benefits to which the workman would otherwise be entitled but for the provisions of this proviso shall be paid on a monthly basis to his beneficiaries. [1973 1st ex.s. c 154 § 95; 1972 ex.s. c 43 § 18; 1971 ex.s. c 289 § 43; 1965 ex.s. c 165 § 2; 1961 c 23 § 51.32.040. Prior: 1957 c 70 § 29; prior: 1947 c 56 § 1, part; 1927 c 310 § 7, part; 1923 c 136 § 4, part; 1921 c 182 § 6, part; 1919 c 131 § 6, part; 1911 c 74 § 10, part; Rem. Supp. 1947 § 7684, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

51.32.050 DEATH BENEFITS. (1) Where death results from the injury the expenses of burial not to exceed eight hundred dollars shall be paid.

(2) A surviving spouse of a deceased workman shall receive monthly throughout his or her life the following sums: (a) If there are no children of the deceased workman, sixty percent of the wages of the deceased workman but not less than one hundred eighty-five dollars. (b) If there is one child of the deceased workman, sixty-two percent of the wages of the deceased workman but not less than two hundred twenty-two dollars. (c) If there are two children of the deceased workman,

sixty-four percent of the wages of the deceased workman but not less than two hundred fifty-three dollars. (d) If there are three children of the deceased workman, sixty-six percent of the wages of the deceased workman but not less than two hundred seventy-six dollars. (e) If there are four children of the deceased workman, sixty-eight percent of the wages of the deceased workman but not less than two hundred ninety-nine dollars. (f) If there are five or more children of the deceased workman, seventy percent of the wages of the deceased workman but not less than three hundred twenty-two dollars.

Payments to the surviving spouse of the deceased workman shall cease at the end of the month in which remarriage occurs: PROVIDED, That the portion of the monthly payment made for the benefit of the children shall not be affected by such remarriage. In no event shall the monthly payments provided in this subsection exceed seventy-five percent of the average monthly wage in the state as computed under RCW 51.08.018.

In addition to the monthly payments above provided for, a surviving spouse, or dependent parent or parents, if there is no surviving spouse of any such deceased workman shall be forthwith paid the sum of eight hundred dollars.

Upon remarriage the surviving spouse shall receive, once and for all, a lump sum of seventy-five hundred dollars or fifty percent of the then remaining annuity value of the pension, whichever is the lesser, and the monthly payments to such surviving spouse shall cease at the end of the month in which remarriage occurs, but the monthly payments for the child or children shall continue as before.

(3) If there is a child or children and no surviving spouse of the deceased workman, a sum equal to thirty-five percent of the average monthly wage of the deceased workman shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such children, share and share alike: PROVIDED, That benefits under this subsection or subsection (4) shall not exceed sixty-five percent of the monthly wages of the deceased workman at the time of his death or seventy-five percent of the average monthly wage in the state as defined in RCW 51.08.018, whichever is the lesser of the two sums.

(4) In the event a surviving spouse receiving monthly payments dies, leaving a child or children, each shall receive the same payment as provided in subsection (3) of this section.

(5) If the workman leaves no surviving spouse or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the workman during the twelve months next

preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed sixty-five percent of the monthly wages of the deceased workman at the time of the death or seventy-five percent of the average monthly wage in the state as defined in RCW 51.08.018, whichever is the lesser of the two sums. If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years except such payments shall continue until the dependent reaches age twenty-one while permanently enrolled at a full time course in an accredited school. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) If the injured workman dies during the period of permanent total disability, whatever the cause of death, leaving a surviving spouse, or child, or children, the surviving spouse shall receive benefits as if death resulted from the injury as provided in subsections (2) through (5) of this section. Upon remarriage the payments on account of the child or children shall continue as before to such child or children. [1973 1st ex.s. c 154 § 96; 1972 ex.s. c 43 § 19; 1971 ex.s. c 289 § 7; 1965 ex.s. c 122 § 1; 1961 c 274 § 1; 1961 c 23 § 51.32.050. Prior: 1957 c 70 § 30; prior: 1949 c 219 § 1, part; 1947 c 246 § 1, part; 1929 c 132 § 2, part; 1927 c 310 § 4, part; 1923 c 136 § 2, part; 1919 c 131 § 4, part; 1917 c 28 § 1, part; 1913 c 148 § 1, part; 1911 c 74 § 5, part; Rem. Supp. 1949 § 7679, part.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

51.32.060 PERMANENT TOTAL DISABILITY COMPENSATION--PERSONAL ATTENDANT. When the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the workman shall receive monthly during the period of such disability:

(1) If married at the time of injury, sixty-five percent of his wages but not less than two hundred fifteen dollars per month.

(2) If married with one child at the time of injury, sixty-seven percent of his wages but not less than two hundred fifty-two dollars per month.

(3) If married with two children at the time of injury, sixty-nine percent of his wages but not less than two hundred eighty-three dollars.

(4) If married with three children at the time of injury, seventy-one percent of his wages but not less than three hundred six dollars per month.

(5) If married with four children at the time of injury, seventy-three percent

of his wages but not less than three hundred twenty-nine dollars per month.

(6) If married with five or more children at the time of injury, seventy-five percent of his wages but not less than three hundred fifty-two dollars per month.

(7) If unmarried at the time of the injury, sixty percent of his wages but not less than one hundred eighty-five dollars per month.

(8) If unmarried with one child at the time of injury, sixty-two percent of his wages but not less than two hundred twenty-two dollars per month.

(9) If unmarried with two children at the time of injury, sixty-four percent of his wages but not less than two hundred fifty-three dollars per month.

(10) If unmarried with three children at the time of injury, sixty-six percent of his wages but not less than two hundred seventy-six dollars per month.

(11) If unmarried with four children at the time of injury, sixty-eight percent of his wages but not less than two hundred ninety-nine dollars per month.

(12) If unmarried with five or more children at the time of injury, seventy percent of his wages but not less than three hundred twenty-two dollars per month.

(13) For any period of time where both husband and wife are entitled to compensation as temporarily or totally disabled workmen, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes.

(14) In case of permanent total disability, if the character of the injury is such as to render the workman so physically helpless as to require the hiring of the services of an attendant, the monthly payment by the department to such attendant for such services shall be an amount not to exceed forty percent of the average monthly wage in the state as computed in RCW 51.08.018 per month as long as such requirement continues, but such payments shall not obtain or be operative while the workman is receiving care under or pursuant to the provisions of chapters 51.36 and 51.40.

(15) Should any further accident result in the permanent total disability of an injured workman, he shall receive the pension to which he would be entitled, notwithstanding the payment of a lump sum for his prior injury.

(16) In no event shall the monthly payments provided in this section exceed seventy-five percent of the average monthly wage in the state as computed under the provisions of RCW 51.08.018, except that this limitation shall not apply to the payments provided for in subsection (14) of this section. [1973 c 147 § 1; 1972 ex.s. c 43 § 20; 1971 ex.s. c 289 § 8; 1965 ex.s. c 122 § 2; 1961 c 274 § 2; 1961 c 23 § 51.32.060. Prior: 1957 c 70 § 31; prior: 1949 c 219 § 1, part; 1947 c 246 § 1, part; 1929 c 132 §

2, part; 1927 c 310 § 4, part; 1923 c 136 § 2, part; 1919 c 131 § 4, part; 1917 c 28 § 1, part; 1913 c 148 § 1, part; 1911 c 74 § 5, part; Rem. Supp. 1949 § 7679, part.]

51.32.070 ADDITIONAL PAYMENTS FOR PRIOR OR PENSIONERS--PERSONAL ATTENDANT (AS AMENDED BY 1973 C 147 § 2). Notwithstanding any other provision of law, every surviving spouse receiving a pension under this title and every permanently totally disabled workman or temporarily totally disabled workman receiving a pension or compensation for temporary total disability under this title, pursuant to compensation schedules in effect prior to July 1, 1971, shall, after March 20, 1973, be paid fifty percent of the average monthly wage of the state as computed under RCW 51.08.018 per month, and an amount equal to five percent of such average monthly wage per month if married, and an additional two percent of such average monthly wage for each child.

If the character of the injury is such as to render the workman so physically helpless as to require the hiring of the services of an attendant, the monthly payment by the department to such attendant for such services shall not exceed forty percent of the average monthly wage in the state as computed pursuant to RCW 51.08.018 per month as long as such requirement continues but such payments shall not obtain or be operative while the workman is receiving care under or pursuant to the provisions of chapters 51.36 and 51.40 RCW: PROVIDED, That such payments shall not be considered compensation nor shall they be subject to any limitation upon total compensation payments.

No part of such additional payments shall be payable from the accident fund or be charged against any class under the industrial insurance law.

The director shall pay monthly to every such surviving spouse and totally disabled workman from the supplemental pension fund such an amount as will, when added to the pensions or temporary total disability compensation they are presently receiving, equal the amounts hereinabove specified.

In cases where money has been or shall be advanced to any such person from the pension reserve, the additional amount to be paid to him or her under this section shall be reduced by the amount of monthly pension which was or is predicated upon such advanced portion of the pension reserve. [1973 c 147 § 2; 1971 ex.s. c 289 § 9; 1965 ex.s. c 166 § 1; 1961 c 108 § 1; 1961 c 23 § 51.32.070. Prior: 1957 c 196 § 1; 1947 c 233 § 1; Rem. Supp. 1947 § 7679b.]

Reviser's note: RCW 51.32.070 was amended twice during the 1973 regular and first extraordinary sessions of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

51.32.070 ADDITIONAL PAYMENTS FOR PRIOR PENSIONERS—PERSONAL ATTENDANT (AS AMENDED BY 1973 1ST EX.S. C 154 § 97). Notwithstanding any other provision of law, every surviving spouse receiving a pension under this title shall, after July 1, 1971, be paid one hundred eighty-five dollars per month, and every permanently totally disabled workman or temporarily totally disabled workman receiving a pension or compensation for temporary total disability under this title shall, after such date, be paid one hundred eighty-five dollars per month and one hundred fifteen dollars per month additional in cases requiring the services of an attendant, if unmarried at the time the injury occurred; two hundred fifteen dollars per month, and one hundred fifteen dollars per month additional in cases requiring the services of an attendant, if the totally disabled workman has an invalid spouse; and one hundred seventy-five dollars per month, in addition to any amount now or hereafter allowed in cases requiring the services of an attendant, if neither spouse is an invalid and the husband and wife are living together as such.

No part of such additional payments shall be payable from the accident fund.

The director shall pay monthly to every such surviving spouse, and totally disabled workman from the supplemental pension fund such an amount as will, when added to the pensions or temporary total disability compensation they are presently receiving, exclusive of amounts received for children or dependents or attendants, equal the amounts hereinabove specified.

In cases where money has been or shall be advanced to any such person from the pension reserve, the additional amount to be paid to him or her under this section shall be reduced by the amount of monthly pension which was or is predicated upon such advanced portion of the pension reserve. [1973 1st ex.s. c 154 § 97; 1971 ex.s. c 289 § 9; 1965 ex.s. c 166 § 1; 1961 c 108 § 1; 1961 c 23 § 51.32.070. Prior: 1957 c 196 § 1; 1947 c 233 § 1; Rem. Supp. 1947 § 7679b.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Reviser's note: RCW 51.32.070 was amended twice during the 1973 regular and first extraordinary sessions of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

51.32.073 ADDITIONAL PAYMENTS FOR PRIOR PENSIONERS—PREMIUM LIABILITY OF WORKMAN AND EMPLOYER FOR ADDITIONAL PAYMENTS. Each employer shall retain from the earnings of each workman that amount as shall be fixed from time to time by the director, the basis for measuring said amount to be determined by the director. The money so retained shall be matched in an equal amount by each employer, and all such moneys shall be remitted to the department in such manner and at such intervals as the department directs and shall be placed in the supplemental pension fund: PROVIDED, That the state apprenticeship council shall pay the entire amount into the supplemental pension fund for registered apprentices or trainees during their participation in supplemental and related instruction classes. The moneys so collected shall be used exclusively for the additional payments prescribed in RCW 51.32.070 and shall be no more than necessary to make such payments on a current basis. [1973 c 110 § 3; 1972 ex.s. c 43 § 24; 1971 ex.s. c 289 § 17.]

51.32.135 CLOSING OF CLAIM CONCLUSIVE IN PENSION CASES—CONSENT OF SPOUSE MAY BE REQUIRED. In pension cases when a workman or beneficiary closes his claim by full conversion to a lump sum or in any other manner as provided in RCW 51.32.130 and 51.32.150, such action shall be conclusive and effective to bar any subsequent application or claim relative thereto by the workman or any beneficiary which would otherwise exist had such person not elected to close the claim: PROVIDED, The director may require the spouse of such workman to consent in writing as a prerequisite to conversion and/or the closing of such claim. [1973 1st ex.s. c 154 § 98; 1961 c 23 § 51.32.135. Prior: 1953 c 143 § 1.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

51.32.160 AGGRAVATION, DIMINUTION, OR TERMINATION. If aggravation, diminution, or termination of disability takes place or be discovered after the rate of compensation shall have been established or compensation terminated, in any case the director, through and by means of the division of industrial insurance, may, upon the application of the beneficiary, made within seven years after the establishment or termination of such compensation, or upon his own motion, readjust for further application the rate of compensation in accordance with the rules in this section provided for the same, or in a proper case terminate the payment: PROVIDED, That the time limitation of this section shall be ten years in claims involving loss of vision or function of the eyes.

No act done or ordered to be done by the director, or the department prior to the signing and filing in the matter of a written order for such readjustment shall be ground for such readjustment. [1973 1st ex.s. c 192 § 1; 1961 c 23 § 51.32.160. Prior: 1957 c 70 § 38; prior: 1951 c 115 § 5; 1949 c 219 § 1, part; 1947 c 246 § 1, part; 1929 c 132 § 2, part; 1927 c 310 § 4, part; 1923 c 136 § 2, part; 1919 c 131 § 4, part; 1917 c 28 § 1, part; 1913 c 148 § 1, part; 1911 c 74 § 5, part; Rem. Supp. 1949 § 7679, part.]

Chapter 51.40
MEDICAL AID CONTRACTS

51.40.040 PROVISION FOR MEDICAL AID WHEN CONTRACT SERVICE ENDED. The employer shall pay monthly into the medical aid fund ten percent of the amount he would have been required to pay in that month if such contract had not been made, and of that ten percent he shall collect one-half from his said workmen by proper deduction from the daily wage of each and, in addition thereto, every classification and subclassification of industries whose employer and employees are under medical aid contract, shall pay into the surplus fund hereby created a further sum to be determined by the director, through the division of industrial insurance, not exceeding ten percent of the amount that would have been required to be paid into the medical aid fund if such contract had not been made and the employer shall collect such sum from the party agreeing to furnish such medical aid and hospital service. The surplus fund shall be used by the director only for the purpose of furnishing medical aid to workmen included in the contract provided for in this section, where the necessity therefor arises after the expiration or cancellation of such medical aid contract, in those instances where the medical aid contractor has become deceased, insolvent, dissolved or, in the opinion of the director, otherwise incapable of rendering the required medical aid to the injured workmen. The amount at which such surplus fund shall be maintained in each classification and subclassification shall be determined by the director, through the division of industrial insurance, based upon the estimated costs of such future medical treatment required to be furnished after the expiration or cancellation of the medical aid contract, except as in this chapter provided. When adequate reserves for such purpose have been accumulated to the credit of any classification and subclassification the levy therefor may be suspended in the discretion of the director. Disbursements from said surplus fund shall be made by warrants drawn against the same by the department upon certificate thereof, or requisition therefor through the division of industrial

insurance. Payment into the surplus fund shall not relieve the party agreeing to furnish such medical aid and hospital service from his obligation so to do at any time during or after the expiration of his medical aid contract except as in this section provided: PROVIDED, That if, upon the expiration of any medical aid contract the medical aid contractor does not renew it and forthwith and thereafter ceases the performance of all medical aid contracts as in this chapter provided, he shall be relieved from all liability to furnish future medical aid to the injured workman arising after the expiration of such contract or contracts, if he has paid all levies theretofore made during the existence of such contract or contracts into the surplus fund. [1973 c 106 § 29; 1961 c 23 § 51.40.040. Prior: 1939 c 50 § 1, part; 1927 c 310 § 9, part; 1921 c 182 § 12, part; 1919 c 129 § 5, part; 1917 c 28 § 15, part; RRS § 7724, part.]

Chapter 51.44
FUNDS

51.44.100 INVESTMENT OF ACCIDENT, MEDICAL AID, RESERVE FUNDS. Whenever, in the judgment of the state finance committee, there shall be in the accident fund, medical aid fund, or in the reserve fund, funds in excess of that amount deemed by such committee to be sufficient to meet the current expenditures properly payable therefrom, the committee may invest and reinvest such excess funds in the manner prescribed by RCW 43.84.150, and not otherwise.

The state finance committee may give consideration to the investment of excess funds in federally insured student loans made to persons in vocational training or retraining or reeducation programs. The state finance committee may make such investments by purchasing from savings and loan associations, commercial banks, mutual savings banks, credit unions and other institutions authorized to be lenders under the federally insured student loan act, organized under federal or state law and operating in this state loans made by such institutions to residents of the state of Washington particularly for the purpose of vocational training or reeducation: PROVIDED, That the state finance committee shall purchase only that portion of any loan which is guaranteed or insured by the United States of America, or by any agency or instrumentality of the United States of America: PROVIDED FURTHER, That the state finance committee is authorized to enter into contracts with such savings and loan associations, commercial banks, mutual savings banks, credit unions, and other institutions authorized to be lenders under the federally insured student loan act to service loans purchased pursuant to this section at an agreed upon contract price. [1973 1st ex.s. c 103 §

6; 1972 ex.s. c 92 § 2; 1965 ex.s. c 41 § 1; 1961 c 281 § 10; 1961 c 23 § 51.44.100. Prior: 1959 c 244 § 1; 1935 c 90 § 1; RRS § 7705-1.]

Severability—1973 1st ex.s. c 103: See note following RCW 2.10.080.

51.44.110 DISBURSEMENTS OF FUNDS. Disbursement out of the several funds shall be made only upon warrants drawn by the department. The state treasurer shall pay every warrant out of the fund upon which it is drawn. If, at any time, there shall not be sufficient money in the fund on which any such warrant is drawn wherewith to pay the same, the employer on account of whose workman it was that the warrant was drawn shall pay the same, and he shall be credited upon his next following contribution to such fund the amount so paid with interest thereon at the legal rate from the date of such payment to the date such next following contribution became payable and, if the amount of the credit shall exceed the amount of the contribution, he shall have a warrant upon the same fund for the excess and, if any such warrant shall not be so paid, it shall remain, nevertheless, payable out of the fund. [1973 c 106 § 30; 1961 c 23 § 51.44.110. Prior: 1911 c 74 § 26, part; RRS § 7705, part.]

Chapter 51.52 APPEALS

51.52.110 COURT APPEAL—TAKING THE APPEAL. Within thirty days after a decision of the board to deny the petition or petitions for review upon such appeal has been communicated to such workman, beneficiary, employer or other person, or within thirty days after the final decision and order of the board upon such appeal has been communicated to such workman, beneficiary, employer or other person, or within thirty days after the appeal is deemed denied as herein provided, such workman, beneficiary, employer or other person aggrieved by the decision and order of the board may appeal to the superior court.

In cases involving injured workmen such appeal shall be to the superior court of the county of residence of the workman or beneficiary, as shown by the department's records, or to the superior court of the county wherein the injury occurred or where neither the county of residence nor the county wherein the injury occurred are in the state of Washington then the appeal may be directed to the superior court for Thurston county. In all other cases the appeal shall be to the superior court of Thurston county. Such appeal shall be perfected by filing with the clerk of the court a notice of appeal and by serving a copy thereof by mail, or personally, on

the director and on the board. If the case is one involving a self-insurer, a copy of the notice of appeal shall also be served by mail, or personally, on such self-insurer. The department shall, in all cases not involving a self-insurer, within twenty days after the receipt of such notice of appeal, serve and file its notice of appearance and such appeal shall thereupon be deemed at issue. If the case is one involving a self-insurer, such self-insurer shall, within twenty days after receipt of such notice of appeal, serve and file its notice of appearance and such appeal shall thereupon be deemed to be at issue. In such cases the department may appear and take part in any proceedings. The board shall serve upon the appealing party, the director, the self-insurer if the case involves a self-insurer, and any other party appearing at the board's proceeding, and file with the clerk of the court before trial, a certified copy of the board's official record which shall include the notice of appeal and other pleadings, testimony and exhibits, and the board's decision and order, which shall become the record in such case. No bond shall be required on appeals to the superior court or on appeals to the supreme court or the court of appeals, except that an appeal by the employer from a decision and order of the board under RCW 51.48.070, shall be ineffectual unless, within five days following the service of notice thereof, a bond, with surety satisfactory to the court, shall be filed, conditioned to perform the judgment of the court. Except in the case last named an appeal shall not be a stay: PROVIDED, HOWEVER, That whenever the board has made any decision and order reversing an order of the supervisor of industrial insurance on questions of law or mandatory administrative actions of the director, the department shall have the right of appeal to the superior court. [1973 c 40 § 1. Prior: 1972 ex.s. c 50 § 1; 1972 ex.s. c 43 § 36; 1971 ex.s. c 289 § 24; 1971 c 81 § 122; 1961 c 23 § 51.52.110; prior: 1957 c 70 § 61; 1951 c 225 § 14; prior: 1949 c 219 § 6, part; 1943 c 280 § 1, part; 1931 c 90 § 1, part; 1929 c 132 § 6, part; 1927 c 310 § 8, part; 1911 c 74 § 20, part; Rem. Supp. 1949 § 7697, part.]

TITLE 52 FIRE PROTECTION DISTRICTS

Sections added, amended, or repealed:

Chapter 52.08 Powers.

52.08.030 Specific powers—Equipment—Property—Service agreements—Joint operations—Association—General authority—Life insurance.

- 52.08.060 Annexation of territory by election method—Procedure—Indebtedness—Hearing and election dispensed with, when.
- 52.08.090 Liability insurance for officials and employees.

Chapter 52.12 Commissioners.

- 52.12.010 Number—Qualifications—Insurance—Compensation—Service as volunteer fireman—Waiver of compensation—Terms of first commissioners.

Chapter 52.16 Finances.

- 52.16.080 Bonds may be issued for capital purposes—Limitation.
- 52.16.120 Annual levy to meet bond payments.
- 52.16.130 General levy authorized—Limit—Excess levy at special election.
- 52.16.140 General levy may exceed limit—When.
- 52.16.160 Tax levy by district when township disorganized and no longer making a levy.

Chapter 52.36 Miscellaneous Provisions.

- 52.36.020 Property of public agency included within district—Contracts for services. (Effective July 1, 1974.)

Chapter 52.08
POWERS

52.08.030 SPECIFIC POWERS—EQUIPMENT—PROPERTY—SERVICE AGREEMENTS—JOINT OPERATIONS—ASSOCIATION—GENERAL AUTHORITY—LIFE INSURANCE. Any fire protection district organized under this act shall have authority:

(1) To lease, own, maintain, operate and provide fire engines and all other necessary or proper apparatus, facilities, machinery and equipment for the prevention and extinguishment of fires, and protection of life and property;

(2) To lease, own, maintain and operate real property, improvements and fixtures thereon suitable and convenient for housing, repairing and caring for fire fighting equipment;

(3) To enter into contract with any incorporated city or town whereby such city or town shall furnish fire prevention and fire extinguishment service to the districts and the inhabitants thereof under the provisions of this act upon such terms as the board of directors of the district shall determine. To contract with another county fire protection district, or with any town, city or municipal corporation or governmental agency or private person or persons to consolidate or cooperate for mutual fire fighting

protection and prevention purposes. Any city, town, municipal corporation or governmental agency may contract with a county fire protection district established and maintained under the provisions of this act for the purpose of affording such district fire fighting and protection equipment and service or fire prevention facilities, and in so contracting the district, city, town, municipal corporation or other governmental agency shall be deemed for all purposes to act within its governmental capacity. Any county fire protection district established and maintained under the provisions of this act, or any city, town, municipal corporation or other governmental agency is hereby authorized to contract with any person, firm or corporation for the purpose of affording fire fighting, protection or fire prevention facilities to such person, firm or corporation and such contractual relation shall be deemed for all purposes to be within the governmental power of such rural fire protection district, city, town, municipal corporation or other governmental agency;

(4) Fire protection districts situated in different counties may contract to operate jointly in carrying out the objects of their creation. Contracts for joint operation may provide for joint ownership of property and equipment, and may authorize a joint board of fire commissioners of the contracting districts to manage the affairs of the joint operations; to employ and discharge the necessary agents and employees and fix their respective wages and salaries; to provide and designate a suitable place in any county in which any of the contracting districts is situated, as a regular meeting place for the joint board; to incur the necessary expenses and direct the payment therefor from the funds of the contracting districts in such proportion as the joint boards shall determine; and to do all things as may in the judgment of the joint board be required to carry out the joint operations of the contracting districts.

The joint board shall consist of the members of the boards of the contracting districts and a majority of the membership of each district board shall constitute a quorum for the transaction of the business of the joint board. The members of the boards of fire commissioners of the contracting districts shall organize as a joint board annually in January after the second Monday thereof, elect a chairman and appoint a secretary for the ensuing year. Any member of the board of any contracting district may act as secretary of the joint board or the joint board may appoint such other person as the joint board may determine. The joint board shall prepare the annual budget for the joint operation of the contracting districts and shall determine the share of revenues for the joint operation to be raised by each district and the share of

the expense of joint operation to be paid by each district in the ensuing year, and the secretary of the joint board shall certify and deliver within the time required by law, to the county auditor of each county involved, the part of the budget to be raised by the district in that county and the tax officials of that county shall levy and collect the tax, and the county treasurer shall pay vouchers drawn by the joint board on the funds of the district in that county upon warrants issued by the county auditor of that county.

Contracts for joint operation of fire districts, as herein authorized shall run from year to year and as of January 1st may be terminated by written notice of the board of fire commissioners of any contracting district to the other contracting district or districts on or before July 1st and the contract for joint operations shall terminate on January 1st following: PROVIDED, That all obligations of the joint operations must be paid or definitely arranged for before contract termination and no notice of termination shall relieve any contracting district of its unpaid obligation incurred under the contract for joint operation;

(5) To encourage uniformity and coordination of fire protection district operation programs, the fire commissioners of two or more fire protection districts, may form an association thereof, for the purpose of securing data and information of value in fighting and in preventing fires; hold and attend meetings thereof; and promote more economical and efficient operation of the associated fire protection districts. The directors of fire protection districts so associated shall adopt articles of association, select a chairman and secretary, and such other officers as they may determine, and may employ and discharge such agents and employees as the officers deem convenient to carry out the purposes of the association. The expenses of the association may be paid from fire protection district expense funds upon vouchers of the respective associated districts: PROVIDED, That the aggregate contributions made to the association by any district in any calendar year shall not exceed two and one-half cents per thousand dollars of assessed valuation;

(6) Two or more fire protection districts may contract with each other and such a district may contract with a city or county or the state supervisor of forestry or any association approved by him for the joint leasing, ownership, maintenance and operation of all necessary and proper apparatus, facilities, machinery, and equipment for the elimination of fire hazards and for the protection of life and property within the contracting districts, and of real property, improvements and fixtures thereon suitable and convenient for the housing, repairing, and caring for such apparatus, facilities,

machinery, and equipment, and may contribute their agreed proportion of the cost and expense thereof.

Such contracts shall be executed by the commissioners of the contracting districts and, when the contract is between such districts, the terms and conditions thereof shall be carried out by the boards of commissioners acting jointly;

(7) To do all things and perform all acts not otherwise prohibited by law.

(8) May enter into contract to provide group life insurance for the benefit of the personnel of the fire districts, but not to exceed ten thousand dollars coverage per covered employee, and not more than fifty percent of the cost of such insurance shall be borne by the employer fire district. [1973 1st ex.s. c 195 § 48; 1963 c 101 § 1; 1959 c 237 § 2; 1947 c 254 § 6; 1941 c 70 § 4; 1939 c 34 § 20; Rem. Supp. 1947 § 5654-120.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

52.08.060 ANNEXATION OF TERRITORY BY ELECTION METHOD—PROCEDURE—INDEBTEDNESS—HEARING AND ELECTION DISPENSED WITH, WHEN. Any territory contiguous to a fire protection district and not within the boundaries of a city or town or other fire protection district may be annexed to such fire protection district, for the purpose of obtaining fire fighting protection or prevention facilities, by petition of fifteen percent of the qualified registered electors residing within the territory proposed to be annexed. Such petition shall be filed with the fire commissioners of the fire protection district and if the said fire commissioners shall concur in the said petition they shall then file such petition with the county auditor who shall within thirty days from the date of filing such petition examine the signatures thereof and certify to the sufficiency or insufficiency thereof. After the county auditor shall have certified to the sufficiency of the petition, the proceedings thereafter by the board of county commissioners and the rights and powers and duties of the board of county commissioners, petitioners and objectors and the election and canvass thereof shall be the same as in the original proceedings to form a fire protection district: PROVIDED, That the board of county commissioners shall have authority and it shall be its duty to determine on an equitable basis, the amount of obligation which the territory to be annexed to the district shall assume, if any, to place the taxpayers of the existing district on a fair and equitable relationship with the taxpayers of the territory to be annexed by reason of the benefits of coming into a going district previously supported by the taxpayers of the existing district, and such

obligation may be paid to the district in yearly installments to be fixed by the county board if within the one dollar per thousand dollars of assessed value annual tax limit and included in the annual tax levies against the property in such annexed territory until fully paid. The amount of the obligation and the plan of payment thereof fixed by the county board shall be set out in general terms in the notice of election for annexation: PROVIDED, HOWEVER, That the special election shall be held only within the boundaries of the territory proposed to be annexed to said fire protection district. Upon the entry of the order of the board of county commissioners incorporating such contiguous territory with such existing fire protection districts, said territory shall become subject to the indebtedness, bonded or otherwise, of said existing district in like manner as the territory of said district. Should such petition be signed by sixty percent of the qualified registered electors residing within the territory proposed to be annexed, and should the fire commissioners concur therein, an election in such territory and a hearing on such petition shall be dispensed with and the board of county commissioners shall enter its order incorporating such territory within the said existing fire protection district. [1973 1st ex.s. c 195 § 49; 1965 ex.s. c 18 § 1; 1959 c 237 § 3; 1947 c 254 § 5; 1945 c 162 § 2; 1941 c 70 § 3; Rem. Supp. 1947 § 5654-116a.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

52.08.090 LIABILITY INSURANCE FOR OFFICIALS AND EMPLOYEES. The board of commissioners of each fire district may purchase liability insurance with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties. [1973 c 125 § 3.]

Chapter 52.12
COMMISSIONERS

52.12.010 NUMBER--QUALIFICATIONS--INSURANCE--COMPENSATION--SERVICE AS VOLUNTEER FIREMAN--WAIVER OF COMPENSATION--TERMS OF FIRST COMMISSIONERS. The affairs of the district shall be managed by a board of fire commissioners composed of three resident electors of the district. The members of any district which owns or operates motor-powered fire fighting equipment shall each receive twenty-five dollars per day, not to exceed seventy-five dollars per month, for attendance at

board meetings and for performance of other services in behalf of the district. In addition, they shall receive necessary expenses incurred in attending meetings of the board or when otherwise engaged in district business, and shall be entitled to receive the same insurance available to all firemen of the district: PROVIDED, That the premiums for such insurance, except liability insurance, shall be paid by the individual commissioners who elect to receive it. In any district which has a fire department owning and operating motor-powered fire fighting equipment and employing personnel on a full time, fully paid basis, fire commissioners, in addition to expenses as aforesaid, shall each receive twenty-five dollars per day, not to exceed one hundred twenty-five dollars per month, for attendance at board meetings and for performance of other services on behalf of the district. Any commissioner may waive all or any portion of his compensation payable under this section as to any month or months during his term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which said compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The board shall fix the compensation to be paid the secretary and all other agents and employees of the district. The board may, by resolution adopted by unanimous vote, authorize any of its members to serve as volunteer firemen without compensation. A commissioner actually serving as a volunteer fireman may enjoy the rights and benefits of a volunteer fireman. The first commissioners shall serve until after the next general election for the selection of commissioners and until their successors have been elected or appointed and have qualified. [1973 c 86 § 1; 1971 ex.s. c 242 § 2; 1969 ex.s. c 67 § 1; 1967 c 51 § 1; 1965 c 112 § 1; 1959 c 237 § 4; 1957 c 238 § 1; 1945 c 162 § 3; 1939 c 34 § 22; Rem. Supp. 1945 § 5654-122.]

Chapter 52.16
FINANCES

52.16.080 BONDS MAY BE ISSUED FOR CAPITAL PURPOSES--LIMITATION. Fire protection districts are hereby authorized to incur general indebtedness for capital purposes which shall include replacements of equipment which may be damaged or lost and for the purpose of refunding outstanding coupon warrants issued for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness, equal to three-fourths of one percent of the value of the taxable property within such district, as the term "value of the taxable property"

is defined in RCW 39.36.015, and to issue general obligation bonds evidencing such indebtedness on the terms and provisions hereinafter set forth, the principal and interest thereof to be payable from annual tax levies to be made in excess of the constitutional and/or statutory tax limitations. [1973 1st ex.s. c 195 § 50; 1970 ex.s. c 42 § 30; 1953 c 176 § 4; 1951 2nd ex.s. c 24 § 3.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043,

52.16.120 ANNUAL LEVY TO MEET BOND PAYMENTS. An annual levy in excess of the constitutional and/or statutory tax limitations shall be made upon all the taxable property within such district, except those lands within the district which are now or will hereafter be required to pay forest protection assessment, by the officers or governing body thereof now or hereafter charged by law with the duty of levying taxes for such district sufficient to meet the annual and semiannual payments of principal and interest due on said bonds. [1973 1st ex.s. c 195 § 51; 1951 2nd ex.s. c 24 § 7.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

52.16.130 GENERAL LEVY AUTHORIZED—LIMIT—EXCESS LEVY AT SPECIAL ELECTION. To carry out the purposes for which fire protection districts are created, the board of fire commissioners of any such district is hereby authorized to levy each year, in addition to the levy or levies provided in this act for the payment of the principal and interest of any outstanding general obligation bonds and the levies necessary to pay the principal and interest of any coupon warrants heretofore issued and outstanding, an ad valorem tax on all taxable property located in such district not to exceed fifty cents per thousand dollars of assessed value: PROVIDED, That in no case may the total general levy for all purposes, except retirement of general obligation bonds, exceed one dollar per thousand dollars of assessed value. Levies in excess of one dollar per thousand dollars of assessed value or in excess of aggregate dollar rate limitations or both may be made for any district purpose when so authorized at a special election under the provisions of RCW 84.52.052. Any such tax when so levied shall be certified to the proper county officials for the collection of the same as for other general taxes. Such taxes when collected shall be placed in the appropriate district fund or funds as provided by law, and shall be paid out on warrants of the auditor of the county in which the district is situated, upon

authorization of the board of fire commissioners of such district. [1973 1st ex.s. c 195 § 52; 1971 ex.s. c 105 § 1; 1963 ex.s. c 13 § 2; 1951 2nd ex.s. c 24 § 8.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

52.16.140 GENERAL LEVY MAY EXCEED LIMIT—WHEN. Notwithstanding the limitation of dollar rates contained in RCW 52.16.130, the board of fire commissioners of any such district is hereby authorized to levy, in addition to any levy for the payment of the principal and interest of any outstanding general obligation bonds and levies necessary to pay the principal and interest of any coupon warrants heretofore issued and outstanding, an ad valorem tax on all property located in such district of not to exceed fifty cents per thousand dollars of assessed value when such levy will not take dollar rates which other taxing districts may lawfully claim and which will not cause the combined levies to exceed the constitutional and/or statutory limitations, and such additional levy, or any portion thereof, may also be made when dollar rates of other taxing units is released therefor by agreement with the other taxing units from their authorized levies. [1973 1st ex.s. c 195 § 53; 1951 2nd ex.s. c 24 § 9.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

52.16.160 TAX LEVY BY DISTRICT WHEN TOWNSHIP DISORGANIZED AND NO LONGER MAKING A LEVY. Notwithstanding the limitation of dollar rates contained in RCW 52.16.130, and in addition to any levy for the payment of the principal and interest of any outstanding general obligation bonds and levies necessary to pay the principal and interest of any coupon warrants heretofore issued and outstanding and in addition to any levy authorized by RCW 52.16.130, 52.16.140 or any other statute, if in any county where there are one or more townships in existence making annual tax levies and such township or townships are disorganized as a result of a county-wide disorganization procedure prescribed by statute and is no longer making any tax levy, or any township or townships for any other reason no longer makes any tax levy, the board of fire commissioners of any fire protection district within such county is hereby authorized to levy each year an ad valorem tax on all taxable property within such district of not to exceed fifty cents per thousand dollars of assessed value, which levy may be made only if it will not cause the combined levies to exceed the constitutional and/or statutory limitations. [1973 1st ex.s. c

195 § 54; 1969 ex.s. c 243 § 2; 1961 c 53 § 9.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 52.36
MISCELLANEOUS PROVISIONS

52.36.020 PROPERTY OF PUBLIC AGENCY INCLUDED WITHIN DISTRICT—CONTRACTS FOR SERVICES. (EFFECTIVE JULY 1, 1974.) Wherever a fire protection district has been organized which includes within its area or is adjacent to, buildings and equipment, except those leased to a nontax exempt person or organization, owned by the legislative or administrative authority of a state agency or institution or a municipal corporation, the agency or institution or municipal corporation involved shall contract with such district for fire protection services necessary for the protection and safety of personnel and property pursuant to the provisions of chapter 39.34 RCW, as now or hereafter amended: PROVIDED, That nothing in this section shall be construed to require that any state agency, institution, or municipal corporation contract for services which are performed by the staff and equipment of such state agency, institution, or municipal corporation: PROVIDED FURTHER, That nothing in this section shall apply to state agencies or institutions or municipal corporations which are receiving fire protection services by contract from another municipality, city, town or other entities. [1973 1st ex.s. c 64 § 1; 1941 c 139 § 1; Rem. Supp. 1941 § 5654-143a.]

Effective date—1973 1st ex.s. c 64: "This 1973 amendatory act shall take effect on July 1, 1974." [1973 1st ex.s. c 64 § 2.]

TITLE 53
PORT DISTRICTS

Sections added, amended, or repealed:

Chapter 53.06 Coordination of Administrative Programs and Operations.

53.06.040 Dues and assessments may be paid association from district funds—Limitation on amount.

Chapter 53.08 Powers.

53.08.080 Lease of property—Authorized—Duration.
53.08.085 Lease of property—Security for rent.
53.08.160 Studies, investigations, surveys—Promotion of facilities.

53.08.170 Employment—Wages—Benefits—Agents—Insurance for port district commissioners.
53.08.205 Liability insurance for officials and employees.

Chapter 53.36 Finances.

53.36.020 Tax levy—Limitation.
53.36.070 Levy for dredging, canal construction, or land leveling or filling purposes.
53.36.100 Levy for industrial development district purposes—Fund for future use.

Chapter 53.47 Dissolution of Inactive Port Districts.

53.47.040 Hearing on petition—Notice, publication—Creditor claims, determination—Terms and conditions of court order if district to be dissolved.

Cross Reference:

Pollution control—Municipal bonding authority: Chapter 70.95A RCW.

Chapter 53.06
COORDINATION OF ADMINISTRATIVE PROGRAMS
AND OPERATIONS

53.06.040 DUES AND ASSESSMENTS MAY BE PAID ASSOCIATION FROM DISTRICT FUNDS—LIMITATION ON AMOUNT. Each port district which designates the Washington public ports association as the agency through which the duties imposed by RCW 53.06.020 may be executed is authorized to pay dues and/or assessments to said association from port district funds in any calendar year in an amount not exceeding a sum equal to the amount which would be raised by a levy of one cent per thousand dollars of assessed value against the taxable property within the port district. [1973 1st ex.s. c 195 § 55; 1970 ex.s. c 47 § 3; 1961 c 31 § 4.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 53.08
POWERS

53.08.080 LEASE OF PROPERTY—AUTHORIZED—DURATION. A district may lease all lands, wharves, docks and real and personal property owned and controlled by it, upon such terms as the port commission deems proper: PROVIDED, That no lease shall be for a period longer than fifty years, except where the property involved is or is to be devoted to airport purposes the port commission may lease said property for such period as may equal the

estimated useful life of such work or facilities, but not to exceed seventy-five years: PROVIDED FURTHER, That where the property is held by the district under lease from the United States government or the state of Washington, or any agency or department thereof, the port commission may sublease said property, with option for extensions, up to the total term and extensions thereof permitted by such lease, but in any event not to exceed ninety years. [1973 c 87 § 1; 1961 ex.s. c 8 § 1; 1959 c 157 § 1; 1955 c 65 § 9. Prior: 1953 c 243 § 1; 1943 c 166 § 2, part; 1921 c 183 § 1, part; 1917 c 125 § 1, part; 1913 c 62 § 4, part; 1911 c 92 § 4, part; Rem. Supp. 1943 § 9692, part.]

53.08.085 LEASE OF PROPERTY--SECURITY FOR RENT. Every lease of all lands, wharves, docks and real and personal property of a port district for a term of more than one year shall have the rent secured by rental insurance, bond, or other security satisfactory to the port commission, in an amount equal to one-sixth the total rent, but in no case shall such security be less than an amount equal to one year's rent or more than an amount equal to three years' rent. Such security shall be for the term of the lease: PROVIDED, That nothing in this section shall prevent the port commission from requiring additional security on leases or provisions thereof, or on other agreements to use port facilities: PROVIDED FURTHER, That any security agreement may provide for termination on the anniversary date of such agreement on not less than one year's written notice to the port if said lease is not in default at the time of said notice: PROVIDED FURTHER, That if the security as required herein is not maintained throughout the full term of the lease, said lease shall be considered in default. [1973 c 87 § 2.]

53.08.160 STUDIES, INVESTIGATIONS, SURVEYS--PROMOTION OF FACILITIES. All port districts organized under the provisions of this act shall be, and they are hereby, authorized and empowered to initiate and carry on the necessary studies, investigations and surveys required for the proper development, improvement and utilization of all port properties, utilities and facilities, and for industrial development within the district when such agricultural and industrial development is carried out by a public agency, institution, or body for a public purpose, and to assemble and analyze the data thus obtained and to cooperate with the state of Washington, other port districts and other operators of terminal and transportation facilities for these purposes, and to make such expenditures as are necessary for said purposes, and for the proper promotion, advertising, improvement and development of such port properties, utilities

and facilities: PROVIDED HOWEVER, That nothing in this section shall authorize a port district to develop its properties as an agricultural or dairy farm. [1973 1st ex.s. c 55 § 1; 1947 c 24 § 2; Rem. Supp. 1947 § 9692A.]

53.08.170 EMPLOYMENT--WAGES--BENEFITS--AGENTS--INSURANCE FOR PORT DISTRICT COMMISSIONERS. The port commission shall have authority to create and fill positions, to fix wages, salaries and bonds thereof, to pay costs and assessments involved in securing or arranging to secure employees, and to establish such benefits for employees, including holiday pay, vacations or vacation pay, retirement and pension benefits, medical, surgical or hospital care, life, accident, or health disability insurance, and similar benefits, already established by other employers of similar employees, as the port commissioner shall by resolution provide: PROVIDED, That any district providing insurance benefits for its employees in any manner whatsoever may provide business related travel, liability, health, errors and omissions and accident insurance, for its commissioners, which insurance shall not be considered to be compensation.

The port commission shall have authority to provide or pay such benefits directly, or to provide for such benefits by the purchase of insurance policies or entering into contracts with and compensating any person, firm, agency or organization furnishing such benefits, or by making contributions to vacation plans or funds, or health and welfare plans and funds, or pension plans or funds, or similar plans or funds, already established by other employers of similar employees and in which the port district is permitted to participate for particular classifications of its employees by the trustees or other persons responsible for the administration of such established plans or funds: PROVIDED FURTHER, That no port district employee shall be allowed to apply for admission to or be accepted as a member of the state employees' retirement system after January 1, 1965 if admission to such system would result in coverage under both a private pension system and the state employees' retirement system, it being the purpose of this proviso that port districts shall not at the same time contribute for any employee to both a private pension or retirement plan and to the state employees' retirement system. The port commission shall have authority by resolution to utilize and compensate agents for the purpose of paying, in the name and by the check of such agent or agents or otherwise, wages, salaries and other benefits to employees, or particular classifications thereof, and for the purpose of withholding payroll taxes and paying over tax moneys so withheld to appropriate government agencies, on a combined basis with the wages, salaries,

benefits, or taxes of other employers or otherwise; to enter into such contracts and arrangements with and to transfer by warrant such funds from time to time to any such agent or agents so appointed as are necessary to accomplish such salary, wage, benefit, or tax payments as though the port district were a private employer, notwithstanding any other provision of the law to the contrary. The funds of a port district transferred to such an agent or agents for the payment of wages or salaries of its employees in the name or by the check of such agent or agents shall be subject to garnishment with respect to salaries or wages so paid, notwithstanding any provision of the law relating to municipal corporations to the contrary. [1973 1st ex.s. c 6 § 1; 1965 c 20 § 1; 1955 c 64 § 1.]

53.08.205 LIABILITY INSURANCE FOR OFFICIALS AND EMPLOYEES. The board of commissioners of each port district may purchase liability insurance with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties. [1973 c 125 § 4.]

Chapter 53.36
FINANCES

53.36.020 TAX LEVY—LIMITATION. A district may raise revenue by levy of an annual tax not to exceed forty-five cents per thousand dollars of assessed value against the assessed valuation of the taxable property in such port district for general port purposes, including the establishment of a capital improvement fund for future capital improvements, except that any levy for the payment of the principal and interest of the general bonded indebtedness of the port district shall be in excess of any levy made by the port district under the forty-five cents per thousand dollars of assessed value limitation. The levy shall be made and taxes collected in the manner provided for the levy and collection of taxes in school districts of the first class. [1973 1st ex.s. c 195 § 56; 1955 c 65 § 11. Prior: 1951 c 133 § 1; 1943 c 166 § 2, part; 1921 c 183 § 1, part; 1917 c 125 § 1, part; 1913 c 62 § 4, part; 1911 c 92 § 4, part; Rem. Supp. 1943 § 9692, part.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

53.36.070 LEVY FOR DREDGING, CANAL CONSTRUCTION, OR LAND LEVELING OR FILLING PURPOSES. Any port district organized under the laws of this state shall, in addition to the powers otherwise provided by law, have the power to raise revenue by the levy and collection of an annual tax on all taxable property within such port district of not to exceed forty-five cents per thousand dollars of assessed value against the assessed valuation of the taxable property in such port district, for dredging, canal construction, or land leveling or filling purposes, the proceeds of any such levy to be used exclusively for such dredging, canal construction, or land leveling and filling purposes: PROVIDED, That no such levy for dredging, canal construction, or land leveling or filling purposes under the provisions of RCW 53.36.070 and 53.36.080 shall be made unless and until the question of authorizing the making of such additional levy shall have been submitted to a vote of the electors of the district in the manner provided by law for the submission of the question of making additional levies in school districts of the first class at an election held under the provisions of RCW 29.13.030 and shall have been authorized by a majority of the electors voting thereon. [1973 1st ex.s. c 195 § 57; 1965 ex.s. c 22 § 1; 1925 c 29 § 1; RRS § 9692-1.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

53.36.100 LEVY FOR INDUSTRIAL DEVELOPMENT DISTRICT PURPOSES—FUND FOR FUTURE USE. A port district having adopted a comprehensive scheme of harbor improvements and industrial developments may thereafter raise revenue, for six successive years only, in addition to all other revenues now authorized by law, by an annual levy not to exceed forty-five cents per thousand dollars of assessed value against the assessed valuation of the taxable property in such port district. Said levy shall be used exclusively for the exercise of the powers granted to port districts under chapter 53.25 except as provided in RCW 53.36.110. The levy of such taxes is herein authorized notwithstanding the provisions of RCW 84.52.050 and 84.52.043. The revenues derived from levies made under RCW 53.36.100 and 53.36.110 not expended in the year in which the levies are made may be paid into a fund for future use in carrying out the powers granted under chapter 53.25, which fund may be accumulated and carried over from year to year, with the right to continue to levy the taxes provided for in RCW 53.36.100 and 53.36.110 for the purposes herein authorized. [1973 1st ex.s. c 195 § 58; 1957 c 265 § 1.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195; See notes following RCW 84.52.043.

Chapter 53.47

DISSOLUTION OF INACTIVE PORT DISTRICTS

53.47.040 HEARING ON PETITION--NOTICE, PUBLICATION--CREDITOR CLAIMS, DETERMINATION--TERMS AND CONDITIONS OF COURT ORDER IF DISTRICT TO BE DISSOLVED. The superior court, upon the filing of such petition, shall set such petition for hearing not less than one hundred twenty days and not more than one hundred eighty days after the date of filing said petition. Further, the court shall order the clerk of said court to give notice of the time and place fixed for the hearing by publication of notice in a newspaper of general circulation within such district, such publication to be once each week for three consecutive weeks, the date of first publication to be not less than thirty nor more than seventy days prior to the date fixed for the hearing upon such petition. Said notice shall further provide that all creditors of said district, including holders of revenue or general obligation bonds issued by said district, if any, shall present their claims to the clerk of said court within ninety days from the date of first publication of said notice, and that upon failure to do so all such claims will be forever barred. The clerk shall also mail a copy by ordinary mail of such notice to all creditors of said district, including holders of revenue or general obligation bonds issued by said district, if any, such mailing to be mailed not later than thirty days after the hearing date has been set. No other or further notices shall be required at any stage of the proceedings for dissolution of an inactive port district pursuant to this chapter.

The clerk, ten days prior to the date set for the hearing, shall deliver to the court the following:

(1) A list of the liabilities of the port district in detail with the names and addresses of creditors as then known; and

(2) A list of the assets of the port district in detail as then known.

The court upon hearing the petition shall fix and determine all such claims subject to proof being properly filed as provided in this section; shall fix and determine the financial condition of the district as to its assets and liabilities, and if it finds the port district to be inactive in respect of any standard of inactivity set forth by this chapter, shall order the port district to be dissolved upon the following terms and conditions:

(1) If there be no outstanding debts, or if the debts be less than the existing assets, the court shall appoint the auditor of the county in which the port

district is located to be trustee of the port's assets and shall empower such person to wind up and liquidate the affairs of such district in such manner as the court shall provide and to file his accounting with the court within ninety days from the date of his appointment. Upon the filing of such account, the court shall fix a date for hearing upon the same and upon approval thereof, if such accounting be the final accounting, shall enter its order approving the same and declaring the port district dissolved.

At the request of the trustee the county sheriff may sell, at public auction, all real and personal property of the port district. The county sheriff shall cause a notice of such sale fixing the time and place thereof which shall be at a suitable place, which will be noted in the advertisement for sale. Such notice shall contain a description of the property to be sold and shall be signed by the sheriff or his deputy. Such notice shall be published at least once in an official newspaper in said county at least ten days prior to the date fixed for said sale. The sheriff or his deputy shall conduct said sale and sell the property described in the notice at public auction to the highest and best bidder for cash, and upon payment of the amount of such bid shall deliver the said property to such bidder. The moneys arising from such sale shall be turned over to the county auditor acting as trustee: PROVIDED, HOWEVER, That the sheriff shall first deduct the costs and expenses of the sale from the moneys and shall apply such moneys to pay said costs and expenses.

The court order shall provide that the assets remaining in the hands of the trustee shall be transferred to any school district, districts, or portions of districts, lying within the dissolved port district boundaries. The transfer of assets shall be prorated to the districts based on the assessed valuation of said districts.

(2) If the debts exceed the assets of the port district, then the court shall appoint the auditor of the county in which a port district is located to be trustee of the port's assets for the purpose of conserving the same and of paying liability of the port district as funds become available therefor. The trustee shall be empowered to generally manage, wind up, and liquidate the affairs of such district in such manner as the court shall provide and to file his accounting with the court within ninety days from the date of his appointment and as often thereafter as the court shall provide. The board of county commissioners, acting as pro tempore port district commissioners under the authority of RCW 53.36.020 shall levy an annual tax not exceeding forty-five cents per thousand dollars of assessed value or such lesser amount as may previously have been voted by the taxpayers within said district, together with an amount deemed

necessary for payment of the costs and expenses attendant upon the dissolution of said district, upon all the taxable property within said district, the amount of such levy to be determined from time to time by the court. When, as shown by the final accounting of the trustee, all of the indebtedness of the district shall have been satisfied, the cost and expense of the proceeding paid or provided for, and the affairs of the district wound up, the court shall declare the district dissolved: PROVIDED, That if the indebtedness be composed in whole or in part of bonded debt for which a regular program of retirement has been provided, then the board of county commissioners shall be directed by the court to continue to make such annual levies as are required for the purpose of debt service upon said bonded debt. [1973 1st ex.s. c 195 § 59; 1971 ex.s. c 162 § 4.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

TITLE 54
PUBLIC UTILITY DISTRICTS

Sections added, amended, or repealed:

Chapter 54.16 Powers.

- 54.16.080 Levy and collection of taxes—
Tax anticipation warrants.
54.16.095 Liability insurance for officials and employees.

Chapter 54.36 Liability to Other Taxing Districts.

- 54.36.010 Definitions.

Chapter 54.44 Nuclear, Thermal Power Facilities—Joint Development.

- 54.44.010 Declaration of public purpose.
54.44.020 Authority to participate in and enter into agreements for operation of common facilities—
Percentage of ownership—Expenses—Taxes.
54.44.030 Liability of city, joint operating agency or public utility district—Extent—Limitations.
54.44.040 Authority to provide money and/or property, issue revenue bonds—Declaration of public purpose.
54.44.050 Depositories—Disbursement of funds.
54.44.060 Agreements to conform to applicable laws.
54.44.901 Severability—1973 1st ex.s. c 7.

Cross Reference:

Water districts, disposition of property to public utility district: Chapter 57.42 RCW.

Chapter 54.16
POWERS

54.16.080 LEVY AND COLLECTION OF TAXES—TAX ANTICIPATION WARRANTS. A district may raise revenue by the levy of an annual tax on all taxable property within the district, not exceeding forty-five cents per thousand dollars of assessed value in any one year, exclusive of interest and redemption for general obligation bonds. The commission shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file it in its records, on or before the first Monday in September. Notice of the filing of the proposed budget and the date and place of hearing thereon shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in the county. On the first Monday in October, the commission shall hold a public hearing on the proposed budget at which any taxpayer may appear and be heard against the whole or any part thereof. Upon the conclusion of the hearing, the commission shall, by resolution, adopt the budget as finally determined, and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper officer of the county in which the district is located in the same manner as provided for the certification and collection of port district taxes. The commission may, prior to the receipt of taxes raised by levy, borrow money or issue warrants of the district in anticipation of the revenue to be derived from the levy or taxes for district purposes, and the warrants shall be redeemed from the first money available from such taxes. The warrants shall not exceed the anticipated revenue of one year, and shall bear interest at a rate of not to exceed six percent per annum. [1973 1st ex.s. c 195 § 60; 1955 c 390 § 9. Prior: 1945 c 143 § 1(g); 1931 c 1 § 6 (g); Rem. Supp. 1945 § 11610(g).]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

54.16.095 LIABILITY INSURANCE FOR OFFICIALS AND EMPLOYEES. The board of commissioners of each public utility district may purchase liability insurance with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good

faith purporting to perform their official duties. [1973 c 125 § 5.]

Chapter 54.36
LIABILITY TO OTHER TAXING DISTRICTS

54.36.010 DEFINITIONS. As used in this chapter:

"Public utility district" means public utility district or districts or a joint operating agency or agencies.

"Construction project" means the construction of hydroelectric generating facilities by a public utility district. It includes the relocation of highways and railroads, by whomever done, to the extent that it is occasioned by the overflowing of their former locations, or by destruction or burying incident to the construction.

"Base-year enrollment" means the number of pupils enrolled in a school district on the first of May next preceding the date construction was commenced.

"Subsequent-year enrollment" means the number of pupils enrolled in a school district on any first of May after construction was commenced.

"Construction pupils" means pupils who have a parent who is a full-time employee on the construction project and who moved into the school district subsequent to the first day of May next preceding the day the construction was commenced.

"Nonconstruction pupils" means other pupils. [1973 1st ex.s. c 154 § 99; 1957 c 137 § 1.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 54.44
NUCLEAR, THERMAL POWER FACILITIES—JOINT DEVELOPMENT

54.44.010 DECLARATION OF PUBLIC PURPOSE. It is declared to be in the public interest and for a public purpose that cities of the first class, public utility districts, joint operating agencies organized under chapter 43.52 RCW, and regulated electrical companies be permitted to participate together in the development of nuclear and other thermal power facilities and transmission facilities as hereinafter provided as one means of achieving economies of scale and thereby promoting the economic development of the state and its natural resources to meet the future power needs of the state and all its inhabitants. [1973 1st ex.s. c 7 § 1; 1967 c 159 § 1.]

Legislative finding, emergency—1973 1st ex.s. c 7: "The legislature finds that the immediate planning, financing, acquisition and construction of electric generating and transmission facilities as provided in

sections 1 through 6 of this 1973 amendatory act is a public necessity to meet the power requirements of the public utility districts, cities, joint operating agencies and regulated utilities referred to in sections 1 through 6 of this 1973 amendatory act and the inhabitants of this state; further that such public utility districts, cities, joint operating agencies and regulated utilities are ready, willing and able to undertake such planning, financing, acquisition and construction of said electric generating and transmission facilities immediately upon the passage of sections 1 through 6 of this 1973 amendatory act. This 1973 amendatory 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." [1973 1st ex.s. c 7 § 7.] This applies to the amendments to RCW 54.44-.010-54.44.060 by 1973 1st ex.s. c 7.

54.44.020 AUTHORITY TO PARTICIPATE IN AND ENTER INTO AGREEMENTS FOR OPERATION OF COMMON FACILITIES—PERCENTAGE OF OWNERSHIP—EXPENSES—TAXES. In addition to the powers heretofore conferred upon cities of the first class, public utility districts organized under chapter 54.08 RCW, and joint operating agencies organized under chapter 43.52 RCW, any such cities and public utility districts which operate electric generating facilities or distribution systems and any joint operating agency shall have power and authority to participate and enter into agreements with each other and with electrical companies which are subject to the jurisdiction of the Washington utilities and transportation commission or the public utility commissioner of Oregon, hereinafter called "regulated utilities", for the undivided ownership of nuclear and other thermal power generating plants and facilities, and transmission facilities including, but not limited to, related transmission facilities, hereinafter called "common facilities", and for the planning, financing, acquisition, construction, operation and maintenance thereof. It shall be provided in such agreements that each city, public utility district, or joint operating agency shall own a percentage of any common facility equal to the percentage of the money furnished or the value of property supplied by it for the acquisition and construction thereof and shall own and control a like percentage of the electrical output thereof.

Each participant shall defray its own interest and other payments required to be made or deposited in connection with any financing undertaken by it to pay its percentage of the money furnished or value of property supplied by it for the planning, acquisition and construction of any common facility, or any additions or betterments thereto. The agreement shall

provide a uniform method of determining and allocating operation and maintenance expenses of the common facility.

Each city, public utility district, joint operating agency and regulated utility participating in the ownership or operation of a common facility shall pay all taxes chargeable to its share of the common facility and the electric energy generated thereby under applicable statutes as now or hereafter in effect. [1973 1st ex.s. c 7 § 2; 1967 c 159 § 2.]

54.44.030 LIABILITY OF CITY, JOINT OPERATING AGENCY OR PUBLIC UTILITY DISTRICT—EXTENT—LIMITATIONS. In carrying out the powers granted in this chapter, each such city, public utility district, or joint operating agency shall be severally liable only for its own acts and not jointly or severally liable for the acts, omissions or obligations of others. No money or property supplied by any such city, public utility district, or joint operating agency for the planning, financing, acquisition, construction, operation or maintenance of any common facility shall be credited or otherwise applied to the account of any other participant therein, nor shall the undivided share of any city, public utility district, or joint operating agency in any common facility be charged, directly or indirectly, with any debt or obligation of any other participant or be subject to any lien as a result thereof. No action in connection with a common facility shall be binding upon any public utility district, city, or joint operating agency unless authorized or approved by resolution or ordinance of its governing body. [1973 1st ex.s. c 7 § 3; 1967 c 159 § 3.]

54.44.040 AUTHORITY TO PROVIDE MONEY AND/OR PROPERTY, ISSUE REVENUE BONDS—DECLARATION OF PUBLIC PURPOSE. Any such city, public utility district, or joint operating agency participating in common facilities under this chapter, without an election, may furnish money and provide property, both real and personal; issue and sell revenue bonds pledging revenues of its electric system and its interest or share of the revenues derived from the common facilities and any additions and betterments thereto in order to pay its respective share of the costs of the planning, financing, acquisition and construction thereof. Such bonds shall be issued under the provisions of applicable laws authorizing the issuance of revenue bonds for the acquisition and construction of electric public utility properties by cities, public utility districts, or joint operating agencies as the case may be. All moneys paid or property supplied by any such city, public utility district, or joint operating agency for the purpose of carrying out the powers conferred herein

are declared to be for a public purpose. [1973 1st ex.s. c 7 § 4; 1967 c 159 § 4.]

54.44.050 DEPOSITORIES—DISBURSEMENT OF FUNDS. All moneys belonging to cities, public utility districts, and joint operating agencies in connection with common facilities shall be deposited in such depositories as qualify for the deposit of public funds and shall be accounted for and disbursed in accordance with applicable law. [1973 1st ex.s. c 7 § 5; 1967 c 159 § 5.]

54.44.060 AGREEMENTS TO CONFORM TO APPLICABLE LAWS. Any agreement with respect to work to be done or material furnished by any such city, public utility district, or joint operating agency in connection with the construction, maintenance and operation of the common facilities, and any additions and betterments thereto shall be in conformity, as near as may be, with applicable laws now or hereafter in effect relating to public utility districts or cities of the first class. [1973 1st ex.s. c 7 § 6; 1967 c 159 § 6.]

54.44.901 SEVERABILITY—1973 1ST EX.S. C 7. If any provision of this 1973 amendatory 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. [1973 1st ex.s. c 7 § 8.]

TITLE 56 SEWER DISTRICTS

Sections added, amended, or repealed:

- Chapter 56.04 Formation and Dissolution.
- 56.04.050 Election—Time—Notice—Ballots—Excess tax levy.
- Chapter 56.08 Powers—Comprehensive Plan.
- 56.08.100 Health care, group and life insurance contracts for employees' benefit—Joint action with water district.
- 56.08.105 Liability insurance for officials and employees.
- 56.08.110 Association of district commissioners—Purpose—Expenses—Personnel—Limitation on district's contribution—Audit by state division of municipal corporations.
- Chapter 56.16 Finances.
- 56.16.010 General indebtedness.
- 56.16.030 Additions and betterments.

- 56.16.040 General bonds—Issuance, form, etc.
- 56.16.115 Refunding bonds.
- 56.16.160 Maintenance or general fund and special funds—Deposits and investments.

thousand dollars of assessed value tax.....NO

Such proposition to be effective must be approved by a majority of at least three-fifths of the electors thereof voting on the proposition in the manner set forth in Article VII, section 2 (a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended. [1973 1st ex.s. c 195 § 61; 1953 c 250 § 1; 1945 c 140 § 4; 1941 c 210 § 4; Rem. Supp. 1945 § 9425-13.]

Chapter 56.04
FORMATION AND DISSOLUTION

56.04.050 ELECTION—TIME—NOTICE—BALLOTS—EXCESS TAX LEVY. Upon entry of the findings of the final hearing on the petition, if the commissioners find the proposed sewer system will be conducive to the public health, welfare, and convenience and be of special benefit to the land within the boundaries of the said proposed or reorganized district, they shall by resolution call a special election to be held not less than thirty days and not more than sixty days from the date thereof, and shall cause to be published a notice of such election at least once a week for four successive weeks in a newspaper of general circulation in the county, setting forth the hours during which the polls will be open, the boundaries of the proposed or reorganized district as finally adopted, and the object of the election, and the notice shall also be posted for ten days in ten public places in the proposed or reorganized district. The proposition shall be expressed on the ballots in the following terms:

- Sewer District.....YES
- Sewer District.....NO

or in the reorganization of a district, the proposition shall be expressed on the ballot in the following terms:

- Sewer District Reorganization....YES
- Sewer District Reorganization....NO

giving in each instance the name of the district as decided by the board.

At the same election the county commissioners shall submit a proposition to the voters, for their approval or rejection, authorizing the sewer district, if formed, to levy at the earliest time permitted by law on all property located in the district a general tax for one year, in excess of the tax limitations provided by law, of not to exceed one dollar and twenty-five cents per thousand dollars of assessed value, for general preliminary expenses of the district, said proposition to be expressed on the ballots in the following terms:

- One year one dollar and twenty-five cents per thousand dollars of assessed value tax.....YES
- One year one dollar and twenty-five cents per

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

Chapter 56.08
POWERS—COMPREHENSIVE PLAN

56.08.100 HEALTH CARE, GROUP AND LIFE INSURANCE CONTRACTS FOR EMPLOYEES' BENEFIT—JOINT ACTION WITH WATER DISTRICT. A sewer district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance and/or term life insurance, for the benefit of its employees and may pay all or any part of the cost thereof: PROVIDED, That term life insurance shall be limited to a five thousand dollar coverage or ten thousand dollars for double indemnity benefits. Any two or more sewer districts or one or more sewer districts and one or more water districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance and/or term life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof. [1973 c 24 § 1; 1961 c 261 § 1.]

56.08.105 LIABILITY INSURANCE FOR OFFICIALS AND EMPLOYEES. The board of commissioners of each sewer district may purchase liability insurance with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties. [1973 c 125 § 6.]

56.08.110 ASSOCIATION OF DISTRICT COMMISSIONERS—PURPOSE—EXPENSES—PERSONNEL—LIMITATION ON DISTRICT'S CONTRIBUTION—AUDIT BY STATE DIVISION OF MUNICIPAL CORPORATIONS. To improve the organization and operation of sewer districts, the

commissioners of two or more such districts may form an association thereof, for the purpose of securing and disseminating information of value to the members of the association and for the purpose of promoting the more economical and efficient operation of the comprehensive plans of sewer systems in their respective districts. The commissioners of sewer districts so associated shall adopt articles of association, select such officers as they may determine, and employ and discharge such agents and employees as shall be deemed convenient to carry out the purposes of the association. Sewer district commissioners and their employees are authorized to attend meetings of the association. The expense of the association may be paid from the maintenance or general funds of the associated districts in such manner as shall be provided in the articles of association: PROVIDED, That the aggregate contributions made to the association by the district in any calendar year shall not exceed the amount which would be raised by a levy of two and one-half cents per thousand dollars of assessed value against the taxable property of the district. The financial records of such association shall be subject to audit by the Washington state division of municipal corporations of the state auditor. [1973 1st ex.s. c 195 § 62; 1970 ex.s. c 47 § 4; 1961 c 267 § 1.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 56.16
FINANCES

56.16.010 GENERAL INDEBTEDNESS. The sewer commissioners may submit at any general or special election, a proposition that said sewer district incur a general indebtedness payable from annual tax levies to be made in excess of the constitutional and/or statutory tax limitations for the construction of any part or all of the comprehensive plan for the district. If such general indebtedness is to be incurred, the amount of such indebtedness and the terms thereof shall be included in the proposition submitted to the qualified voters as aforesaid, and such proposition, to be effective, shall be adopted and assented to by three-fifths of the qualified voters of the said sewer district voting on said proposition at said election in the manner set forth in Article VII, section 2 (a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended. [1973 1st ex.s. c 195 § 63; 1953 c 250 § 10; 1951 2nd ex.s. c 26 § 1; 1941 c 210 § 14; Rem. Supp. 1941 § 9425-23.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

56.16.030 ADDITIONS AND BETTERMENTS. In the same manner as herein provided for the adoption of the general comprehensive plan, and after the adoption of the general comprehensive plan, a plan providing for additions and betterments to the general comprehensive plan, or reorganized district may be adopted. Without limiting its generality "additions and betterments" shall include any necessary change in, amendment of, or addition to the comprehensive plan. The sewer district may incur a general indebtedness payable from annual tax levies to be made in excess of the constitutional and/or statutory tax limitations for the construction of the additions and betterments in the same way the general indebtedness may be incurred for the construction of the general comprehensive plan. Upon ratification by the voters of the entire district, of the proposition to incur such indebtedness, the additions and betterments may be carried out by the sewer commissioners to the extent specified in the proposition to incur such general indebtedness. The sewer district may issue revenue bonds to pay for the construction of the additions and betterments by resolution of the board of sewer commissioners without submitting a proposition therefor to the voters. [1973 1st ex.s. c 195 § 64; 1959 c 103 § 6; 1953 c 250 § 12; 1951 2nd ex.s. c 26 § 2; 1951 c 129 § 3; 1945 c 140 § 11; 1941 c 210 § 17; Rem. Supp. 1945 § 9425-26.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

56.16.040 GENERAL BONDS—ISSUANCE, FORM, ETC. Whenever any such sewer district shall hereafter adopt a plan for a sewer system as herein provided, or any additions and betterments thereto, or whenever any reorganized sewer district shall hereafter adopt a plan for any additions or betterments thereto, and the qualified voters of any such sewer district or reorganized sewer district shall hereafter authorize a general indebtedness for all the said plan, or any part thereof, or any additions and betterments thereto or for refunding in whole or in part bonds theretofore issued, general obligation bonds for the payment thereof may be issued as hereinafter provided. The bonds shall be serial in form and maturity and numbered from one up consecutively. The bonds shall bear interest at such rate or rates as authorized by the board of sewer commissioners, payable semiannually from date of said bonds until principal thereof is paid, with interest

coupons, evidencing such interest to maturity, attached. The various annual maturities shall commence with the second year after the date of issue of the bonds, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds, be met by an equal annual tax levy for the payment of said bonds and interest: PROVIDED, That only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars.

Such bonds shall never be issued to run for a longer period than thirty years from the date of the issue and shall as nearly as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issue of the bonds.

The bonds shall be signed by the presiding officer of the board of sewer commissioners and shall be attested by the secretary of such board under the seal of the sewer district, and the interest coupons shall be signed by the facsimile signature of the presiding officer of the board of sewer commissioners and shall be attested by the facsimile signature of the secretary of such board.

There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy in excess of the constitutional and/or statutory tax limitations sufficient to meet the annual or semiannual payments of principal and interest on the said bonds maturing as herein provided upon all taxable property within such sewer district.

Said bonds shall be sold in such manner as the sewer commissioners shall deem for the best interest of the sewer district, and at a price not less than par and accrued interest. [1973 1st ex.s. c 195 § 65; 1970 ex.s. c 56 § 80; 1969 ex.s. c 232 § 85; 1953 c 250 § 13; 1951 2nd ex.s. c 26 § 3; 1945 c 140 § 12; 1941 c 210 § 18; Rem. Supp. 1945 § 9425-27.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

56.16.115 REFUNDING BONDS. The board of sewer commissioners may by resolution, without submitting the matter to the voters of the district, authorize the issuance of refunding general obligation bonds to refund any outstanding general obligation bonds, or any part thereof, at maturity thereof, or before the maturity thereof, if they are subject to call for prior redemption, or if all of the holders thereof consent thereto. The total cost to the district over the life of the refunding bonds shall not exceed the total cost, which the district would have incurred but for such refunding, over the remainder of the life of the bonds being refunded. The provisions of RCW 56.16.040

specifying the form and maturities of general obligation bonds and providing for annual tax levies in excess of the constitutional and/or statutory tax limitations shall apply to the refunding general obligation bonds issued under this title.

The board of sewer commissioners may by resolution, without submitting the matter to the voters of the district, provide for the issuance of refunding revenue bonds to refund outstanding general obligation bonds and/or revenue bonds, or any part thereof, at maturity thereof, or before maturity thereof, if they are subject to call for prior redemption, or if all of the holders thereof consent thereto. The total cost to the district over the life of said refunding revenue bonds shall not exceed the total cost, which the district would have incurred but for such refunding, over the remainder of the life of the bonds being refunded. Uncollected assessments originally payable into the revenue bond fund of a refunded revenue bond issue shall be paid into the revenue bond fund of the refunding issue. The provisions of RCW 56.16.060 specifying the form and maturities of revenue bonds shall apply to the refunding revenue bonds issued under this title.

Refunding general obligation bonds or refunding revenue bonds may be exchanged for the bonds being refunded or may be sold in such manner as the sewer commissioners shall deem for the best interest of the sewer district. [1973 1st ex.s. c 195 § 66; 1959 c 103 § 12; 1953 c 250 § 16.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

56.16.160 MAINTENANCE OR GENERAL FUND AND SPECIAL FUNDS—DEPOSITS AND INVESTMENTS. Whenever there shall have accumulated in any general or special fund of a sewer district moneys, the disbursement of which is not yet due, the board of commissioners may, by resolution, authorize the county treasurer to deposit or invest such moneys in banks, mutual savings banks, or savings and loan associations in an amount in each institution no greater than the amount insured by any department or agency of the United States government, the federal deposit insurance corporation, or the federal savings and loan insurance corporation, or to invest such moneys in direct obligations of the United States government: PROVIDED, That the county treasurer may refuse to invest any district moneys for a period shorter than ninety days, or in an amount less than five thousand dollars, or any moneys the disbursement of which will be required during the period of investment to meet outstanding obligations of the district. [1973 1st ex.s. c 140 § 2; 1959 c 103 § 15.]

TITLE 57
WATER DISTRICTS

Sections added, amended, or repealed:

Chapter 57.04 Formation and Dissolution.

57.04.050 Election—Notice—Ballots—Excess tax levy.

Chapter 57.08 Powers.

57.08.100 Health care, group and life insurance contracts for employees' benefit—Joint action with sewer district.

57.08.105 Liability insurance for officials and employees.

57.08.110 Association of commissioners—Purposes—Powers—Expenses—Records audited by state division of municipal corporations.

Chapter 57.16 Comprehensive Plan—Local Improvement Districts.

57.16.020 Vote on general indebtedness.

57.16.040 Additions and betterments.

Chapter 57.20 Finances.

57.20.010 General obligation bonds—Form—Issuance, etc.

57.20.015 Refunding general obligation bonds.

57.20.100 Annual tax levy.

57.20.160 Maintenance or general fund and special funds—Deposits and investments.

Chapter 57.42 Disposition of Property to Public Utility District.

57.42.010 Authorized.

57.42.020 Disposition must be in public interest—Filings—Indebtedness.

57.42.030 Hearing—Notice—Decree.

Chapter 57.04
FORMATION AND DISSOLUTION

57.04.050 ELECTION—NOTICE—BALLOTS—EXCESS TAX LEVY. Upon entry of the findings of the final hearing on the petition if the commissioners find the proposed district will be conducive to the public health, welfare, and convenience and be of special benefit to the land therein, they shall by resolution call a special election to be held not less than thirty days from the date of the resolution, and cause to be published a notice of the election for four successive weeks in a newspaper of general circulation in the county in which the proposed district is located, which notice shall state the hours during which the polls will be open, the boundaries of the district as finally

adopted and the object of the election, and the notice shall also be posted ten days in ten public places in the proposed district. In submitting the proposition to the voters, it shall be expressed on the ballots in the following terms:

Water District.....YES
Water District.....NO

giving the name of the district as may be decided by the board.

At the same election the county commissioners shall submit a proposition to the voters, for their approval or rejection, authorizing the water district, if formed, to levy at the earliest time permitted by law on all property located in the district a general tax for one year, in excess of the limitations provided by law, of not to exceed one dollar and twenty-five cents per thousand dollars of assessed value, for general preliminary expenses of the district, said proposition to be expressed on the ballots in the following terms:

One year one dollar and twenty-five cents per thousand dollars of assessed value tax.....YES

One year one dollar and twenty-five cents per thousand dollars of assessed value tax.....NO

Such proposition to be effective must be approved by a majority of at least three-fifths of the electors thereof voting on the proposition in the manner set forth in Article VII, section 2 (a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended. [1973 1st ex.s. c 195 § 67; 1953 c 251 § 1; 1931 c 72 § 4; 1929 c 114 § 3; RRS § 11581. Cf. 1927 c 230 § 1; 1915 c 24 § 2; 1913 c 161 § 3.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 57.08
POWERS

57.08.100 HEALTH CARE, GROUP AND LIFE INSURANCE CONTRACTS FOR EMPLOYEES' BENEFIT—JOINT ACTION WITH SEWER DISTRICT. A water district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance and/or term life insurance, for the benefit of its employees and may pay all or any part of the cost thereof: PROVIDED, That term life insurance shall be limited to five thousand dollars coverage or ten thousand dollars for a double indemnity death benefit. Any two or more water districts or any one or more water districts and one

or more sewer districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance and/or term life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof. [1973 c 24 § 2; 1961 c 261 § 2.]

57.08.105 LIABILITY INSURANCE FOR OFFICIALS AND EMPLOYEES. The board of water commissioners of each water district may purchase liability insurance with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties. [1973 c 125 § 7.]

57.08.110 ASSOCIATION OF COMMISSIONERS—PURPOSES—POWERS—EXPENSES—RECORDS AUDITED BY STATE DIVISION OF MUNICIPAL CORPORATIONS. To improve the organization and operation of water districts, the commissioners of two or more such districts may form an association thereof, for the purpose of securing and disseminating information of value to the members of the association and for the purpose of promoting the more economical and efficient operation of the comprehensive plans of water supply in their respective districts. The commissioners of water districts so associated shall adopt articles of association, select such officers as they may determine, and employ and discharge such agents and employees as shall be deemed convenient to carry out the purposes of the association. Water district commissioners and employees are authorized to attend meetings of the association. The expense of the association may be paid from the maintenance or general funds of the associated districts in such manner as shall be provided in the articles of association: PROVIDED, That the aggregate contributions made to the association by the district in any calendar year shall not exceed the amount which would be raised by a levy of two and one-half cents per thousand dollars of assessed value against the taxable property of the district. The financial records of such association shall be subject to audit by the Washington state division of municipal corporations of the state auditor. [1973 1st ex.s. c 195 § 68; 1970 ex.s. c 47 § 5; 1961 c 242 § 1.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

Chapter 57.16
COMPREHENSIVE PLAN—LOCAL IMPROVEMENT DISTRICTS

57.16.020 VOTE ON GENERAL INDEBTEDNESS. The commissioners may submit to the voters of the district at any general or special election, a proposition that the district incur a general indebtedness payable from annual tax levies to be made in excess of the constitutional and/or statutory tax limitations for the construction of any part or all of the general comprehensive plan. The amount of the indebtedness and the terms thereof shall be included in the proposition submitted to the voters, and the proposition shall be adopted by three-fifths of the voters voting thereon in the manner set forth in Article VII, section 2 (a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended. [When the general comprehensive plan] has been adopted the commissioners shall carry it out to the extent specified in the proposition to incur general indebtedness. [1973 1st ex.s. c 195 § 69; 1959 c 108 § 7; 1959 c 18 § 7. Prior: 1953 c 251 § 5; 1951 2nd ex.s. c 25 § 1; 1939 c 128 § 2, part; 1937 c 177 § 1, part; 1929 c 114 § 10, part; RRS § 11588, part. Cf. 1913 c 161 § 10, part.]

Reviser's note: The bracketed material in this section was omitted but not indicated as deleted in the amendment to this section by 1973 1st ex.s. c 195 § 69.

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

57.16.040 ADDITIONS AND BETTERMENTS. In the same manner as provided for the adoption of the original general comprehensive plan, a plan providing for additions and betterments to the original general plan may be adopted. Without limiting its generality "additions and betterments" shall include any necessary change in, amendment of or addition to the general comprehensive plan.

The district may incur a general indebtedness payable from annual tax levies to be made in excess of the constitutional and/or statutory tax limitations for the construction of the additions and betterments in the same way that general indebtedness may be incurred for the construction of the original general plan after submission to the voters of the entire district in the manner the original proposition to incur indebtedness was submitted. Upon ratification the additions and betterments may be carried out by the commissioners to the extent specified in the proposition to incur the general indebtedness.

The district may issue revenue bonds to pay for the construction of the additions

and the betterments pursuant to resolution of the board of water commissioners without submitting a proposition therefor to the voters of the district. [1973 1st ex.s. c 195 § 70; 1959 c 108 § 9; 1959 c 18 § 9. Prior: 1953 c 251 § 7; 1951 2nd ex.s. c 25 § 2; 1951 c 112 § 2; 1939 c 128 § 2, part; 1937 c 177 § 1, part; 1929 c 114 § 10, part; RRS § 11588, part. Cf. 1913 c 161 § 10, part.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 57.20
FINANCES

57.20.010 GENERAL OBLIGATION BONDS—FORM—ISSUANCE, ETC. When general district indebtedness payable from annual tax levies to be made in excess of the constitutional and/or statutory tax limitations has been authorized, the district may issue its general obligation bonds in payment thereof. The bonds shall be serial in form and maturity and numbered from one up consecutively and shall bear interest at such rate or rates as authorized by the board of water commissioners payable semiannually, with interest coupons attached. The various annual maturities shall commence with the second year after the date of the issue, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds, be met by an equal annual tax levy for the payment of the bonds and interest. Only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars.

Bonds shall not be issued to run for a longer period than twenty years from the date of issue and shall as nearly as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issuance of the bonds.

The bonds shall be signed by the president of the board and attested by the secretary, under the seal of the district. The interest coupons shall be signed by the facsimile signature of the president and attested by the facsimile signature of the secretary.

There shall be levied by the officers or governing body charged with the duty of levying taxes, an annual levy in excess of the constitutional and/or statutory tax limitations sufficient to meet the annual or semiannual payments of principal and interest on the bonds upon all taxable property within the district.

The bonds shall be sold in such manner as the commissioners deem for the best interest of the district, and at a price not less than par and accrued interest. [1973 1st ex.s. c 195 § 71; 1970 ex.s. c 56 § 83; 1969 ex.s. c 232 § 87; 1953 c 251

§ 12; 1951 2nd ex.s. c 25 § 3; 1931 c 72 § 2; 1929 c 114 § 11; RRS § 11589. Cf. 1913 c 161 § 11.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

57.20.015 REFUNDING GENERAL OBLIGATION BONDS. The board of water commissioners of any water district may by resolution, without submitting the matter to the voters of the district, provide for the issuance of refunding general obligation bonds to refund any outstanding general obligation bonds, or any part thereof, at maturity thereof, or before the maturity thereof if they are subject to call for prior redemption or all of the holders thereof consent thereto. The total cost to the district over the life of the refunding bonds shall not exceed the total cost to the district which the district would have incurred but for such refunding over the remainder of the life of the bonds to be refunded thereby. The refunding bonds may be exchanged for the bonds to be refunded thereby, or may be sold in such manner as the board of water commissioners deems to be for the best interest of the district, and the proceeds of such sale used exclusively for the purpose of paying, retiring, and canceling the bonds to be refunded and interest thereon.

The provisions of RCW 57.20.010, specifying the form and maturities of general obligation bonds and providing for annual tax levies in excess of the constitutional and/or statutory tax limitations shall apply to the refunding general obligation bonds issued under this section. [1973 1st ex.s. c 195 § 72; 1953 c 251 § 16.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

57.20.100 ANNUAL TAX LEVY. A district may, in addition to the levies mentioned in RCW 57.16.020, 57.16.040 and 57.20.010, levy a general tax on all property located in the district each year not to exceed fifty cents per thousand dollars of assessed value against the assessed valuation of the property where such water district maintains a fire department as authorized by RCW 57.16.010 to 57.16.040, inclusive, but such levy shall not be made where any property within such water district lies within the boundaries of any fire protection district created under RCW 52.04.010 to 52.04.160, inclusive. The taxes so levied shall be certified for collection as other general taxes, and the proceeds, when collected, shall be placed in such water district funds as the commissioners may direct and paid out on warrants issued for water district purposes. [1973 1st ex.s. c 195 § 73; 1951 2nd

ex.s. c 25 § 4; 1951 c 62 § 1; 1929 c 114 § 18; RRS § 11595. Cf. 1913 c 161 § 17.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

57.20.160 MAINTENANCE OR GENERAL FUND AND SPECIAL FUNDS—DEPOSITS AND INVESTMENTS. Whenever there shall have accumulated in any general or special fund of a water district moneys, the disbursement of which is not yet due, the board of water commissioners may, by resolution, authorize the county treasurer to deposit or invest such moneys in banks, mutual savings banks, or savings and loan associations in an amount in each institution no greater than the amount insured by any department or agency of the United States government, the federal deposit insurance corporation, or the federal savings and loan insurance corporation, or to invest such moneys in direct obligations of the United States government: PROVIDED, That the county treasurer may refuse to invest any district moneys for a period shorter than ninety days, or in an amount less than five thousand dollars, or any moneys, the disbursement of which will be required during the period of investment to meet outstanding obligations of the district. [1973 1st ex.s. c 140 § 3; 1959 c 108 § 16.]

Chapter 57.42

DISPOSITION OF PROPERTY TO PUBLIC UTILITY DISTRICT

57.42.010 AUTHORIZED. Subject to the provisions of RCW 57.42.020 and 57.42.030, any water district created under the provisions of this title may sell, transfer, exchange, lease or otherwise dispose of any property, real or personal, or property rights, including but not limited to the title to real property, to a public utility district in the same county on such terms as may be mutually agreed upon by the commissioners of each district. [1973 1st ex.s. c 56 § 1.]

57.42.020 DISPOSITION MUST BE IN PUBLIC INTEREST—FILINGS—INDEBTEDNESS. No water district shall dispose of its property to a public utility district unless the respective commissioners of each district shall determine by resolution that such disposition is in the public interest and conducive to the public health, welfare and convenience. Copies of each resolution together with copies of the proposed disposition agreement shall be filed with the legislative authority of the county in which the water district is located, and with the superior court of that county. Unless the proposed agreement provides otherwise, any outstanding

indebtedness of any form, owed by the water district, shall remain the obligation of the area of the water district and the public utility district commissioners shall be empowered to make such levies, assessments or charges upon that area or the water users therein as shall pay off the indebtedness at maturity. [1973 1st ex.s. c 56 § 2.]

57.42.030 HEARING—NOTICE—DECREE

Within ninety days after the resolutions and proposed agreement have been filed with the court, the court shall fix a date for a hearing and shall direct that notice of the hearing be given by publication. After reviewing the proposed agreement and considering other evidence presented at the hearing, the court may determine by decree that the proposed disposition is in the public interest and conducive to the public health, welfare and convenience. In addition, the decree shall authorize the payment of all or a portion of the indebtedness of the water district relating to property disposed of under such decree. Pursuant to the court decree, the water district shall dispose of its property under the terms of the disposition agreement with the public utility district. [1973 1st ex.s. c 56 § 3.]

TITLE 58 BOUNDARIES AND PLATS

Sections added, amended, or repealed:

Chapter 58.08 Plats—Recording.

58.08.040 Deposit to cover anticipated taxes.

Chapter 58.09 Surveys—Recording.

- 58.09.010 Purpose—Short title.
- 58.09.020 Definitions.
- 58.09.030 Compliance with chapter required.
- 58.09.040 Records of survey—Contents—Filing—Replacing corner, filing record.
- 58.09.050 Records of survey—Processing.
- 58.09.060 Records of survey, contents—Record of corner, information.
- 58.09.070 Coordinates—Map showing control scheme required.
- 58.09.080 Certificates—Required—Forms.
- 58.09.090 When record of survey not required.
- 58.09.100 Filing fee.
- 58.09.110 Duties of county auditor.
- 58.09.120 Monuments—Requirements.
- 58.09.130 Monuments disturbed by construction activities—Procedure—Requirements.
- 58.09.140 Noncompliance grounds for revocation of land surveyor's license.
- 58.09.900 Severability—1973 c 50.

Chapter 58.17 Plats—Subdivisions—Dedications.

58.17.310 Approval of plat within irrigation district without provision for irrigation water right of way prohibited.

Chapter 58.19 Land Development Act.

58.19.010 Purpose.
 58.19.020 Definitions.
 58.19.030 Exemptions from chapter.
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 58.19.130 Public offering statement form—Type and style restriction.
 58.19.140 Public offering statement—Promotional use, distribution restriction—Holding out that state or employees, etc. approve development prohibited.
 58.19.150 Public offering statement—False, misleading or deceptive—Suspension—Procedure.
 58.19.160 Public offering statement—Copies available to public.
 58.19.170 Public offering statement—Copies to be given prospective purchasers.
 58.19.180 Unlawful to sell lots or parcels subject to blanket encumbrance which does not provide purchaser can obtain clear title—Alternatives.
 58.19.190 False advertising—Finding—Notice—Order—Hearing.
 58.19.200 Investigations of violations—Procedure.
 58.19.210 Violations—Cease and desist orders—Injunctions.
 58.19.220 Revocation of registration—Grounds—Cease and desist order as alternative.
 58.19.230 Suits by or against developer—Notice to director.
 58.19.240 Judicial review.
 58.19.250 Rules and regulations.
 58.19.260 Additional powers and duties of director.
 58.19.270 Violations deemed unfair practice subject to chapter 19.86 RCW.
 58.19.280 Jurisdiction of superior courts.
 58.19.290 Application fees.
 58.19.300 Hazardous conditions—Notice.

58.19.900 Persons selling land on effective date—Grace period for compliance.
 58.19.910 Prior developments—Exemptions.
 58.19.920 Liberal construction.
 58.19.930 Effective date.
 58.19.940 Short title.
 58.19.950 Severability—1973 1st ex.s. c 12.

Chapter 58.22 State Base Mapping System.

58.22.010 Legislative intent.
 58.22.020 Establishment and maintenance—Standards.
 58.22.030 United States geological survey quadrangle map separates—Acquisition by state agencies.
 58.22.040 United States geological survey quadrangle map separates—State depository.
 58.22.050 Availability of map separates—Powers and duties of department.

Chapter 58.08
 PLATS—RECORDING

58.08.040 DEPOSIT TO COVER ANTICIPATED TAXES. Any person filing a plat subsequent to May 31st in any year and prior to the date of the collection of taxes, shall deposit with the county treasurer a sum equal to the product of the county assessor's latest valuation on the unimproved property in such subdivision multiplied by the current year's dollar rate increased by twenty-five percent on the property platted. The treasurer's receipt for said amount shall be taken by the auditor as evidence of the payment of the tax. The treasurer shall appropriate so much of said deposit as will pay the taxes on the said property when the tax rolls are placed in his hands for collection, and in case the sum deposited is in excess of the amount necessary for the payment of the said taxes, the treasurer shall return, to the party depositing, the amount of said excess, taking his receipt therefor, which receipt shall be accepted for its face value on the treasurer's quarterly settlement with the county auditor. [1973 1st ex.s. c 195 § 74; 1969 ex.s. c 271 § 34; 1963 c 66 § 1; 1909 c 200 § 1; 1907 c 44 § 1; 1893 c 129 § 2; RRS § 9291.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 58.09
 SURVEYS—RECORDING

58.09.010 PURPOSE—SHORT TITLE. The purpose of this chapter is to provide a method for preserving evidence of land surveys by establishing standards and

procedures for monumenting and for recording a public record of the surveys. Its provisions shall be deemed supplementary to existing laws relating to surveys, subdivisions, platting, and boundaries.

This chapter shall be known and may be cited as the "Survey Recording Act". [1973 c 50 § 1.]

58.09.020 DEFINITIONS. As used in this chapter:

(1) "Land surveyor" shall mean every person authorized to practice the profession of land surveying under the provisions of chapter 18.43 RCW, as now or hereafter amended.

(2) "Washington coordinate system" shall mean that system of plane coordinates as established and designated by chapter 58.20 RCW.

(3) "Survey" shall mean the locating and monumenting in accordance with sound principles of land surveying by or under the supervision of a licensed land surveyor, of points or lines which define the exterior boundary or boundaries common to two or more ownerships or which reestablish or restore general land office corners. [1973 c 50 § 2.]

58.09.030 COMPLIANCE WITH CHAPTER REQUIRED. Any land surveyor engaged in the practice of land surveying may prepare maps, plats, reports, descriptions, or other documentary evidence in connection therewith.

Every map, plat, report, description, or other document issued by a licensed land surveyor shall comply with the provisions of this chapter whenever such map, plat, report, description, or other document is filed as a public record.

It shall be unlawful for any person to sign, stamp, or seal any map, report, plat, description, or other document for filing under this chapter unless he be a land surveyor. [1973 c 50 § 3.]

58.09.040 RECORDS OF SURVEY—CONTENTS—FILING—REPLACING CORNER, FILING RECORD. After making a survey in conformity with sound principles of land surveying, a land surveyor may file a record of survey with the county auditor in the county or counties wherein the lands surveyed are situated.

(1) It shall be mandatory, within ninety days after the establishment, reestablishment or restoration of a corner on the boundary of two or more ownerships or general land office corner by survey that a land surveyor shall file with the county auditor in the county or counties wherein the lands surveyed are situated a record of such survey, in such form as to meet the requirements of this chapter, which through accepted survey procedures, shall disclose:

(a) The establishment of a corner which materially varies from the description of record;

(b) The establishment of one or more property corners not previously existing;

(c) Evidence that reasonable analysis might result in alternate positions of lines or points as a result of an ambiguity in the description;

(d) The reestablishment of lost government land office corners.

(2) When a licensed land surveyor, while conducting work of a preliminary nature or other activity that does not constitute a survey required by law to be recorded, replaces or restores an existing or obliterated general land office corner, it is mandatory that, within ninety days thereafter, he shall file with the county auditor in the county in which said corner is located a record of the monuments and accessories found or placed at the corner location, in such form as to meet the requirements of this chapter. [1973 c 50 § 4.]

58.09.050 RECORDS OF SURVEY—PROCESSING. The records of survey to be filed under authority of this chapter shall be processed as follows:

(1) Surveys which qualify under RCW 58.09.040 (1) shall be a map, legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth, or equivalent, eighteen by twenty-four inches, or of a size as required by the county auditor. If ink is used on polyester base film, the ink shall be coated with a suitable substance to assure permanent legibility. A two inch margin shall be provided on the left edge and a one-half inch margin shall be provided at the other edges of the map.

(2) Information required by RCW 58.09.040 (2) shall be recorded on a standard form eight and one-half inches by fourteen inches which shall be designed and prescribed by the bureau of surveys and maps.

(3) Two legible prints of each record of survey and records of monuments and accessories as required under the provisions of this chapter shall be furnished to the county auditor in the county in which the survey is to be recorded. The auditor shall keep one copy for his records and shall send the second to the bureau of surveys and maps at Olympia, Washington, with the auditor's record number thereon. [1973 c 50 § 5.]

58.09.060 RECORDS OF SURVEY, CONTENTS—RECORD OF CORNER, INFORMATION. (1) The record of survey as required by RCW 58.09.040 (1) shall show:

(a) All monuments found, set, reset, replaced, or removed, describing their kind, size, and location and giving other data relating thereto;

(b) Bearing trees, corner accessories or witness monuments, basis of bearings,

bearing and length of lines, scale of map, and north arrow;

(c) Name and legal description of tract in which the survey is located and ties to adjoining surveys of record;

(d) Certificates required by RCW 58.09.080;

(e) Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown.

(2) The record of corner information as required by RCW 58.09.040 (2) shall be on a standard form showing:

(a) An accurate description and location, in reference to the corner position, of all monuments and accessories found at the corner;

(b) An accurate description and location, in reference to the corner position, of all monuments and accessories placed or replaced at the corner;

(c) Basis of bearings used to describe or locate such monuments or accessories;

(d) Corollary information that may be helpful to relocate or identify the corner position;

(e) Certificate required by RCW 58.09-.080. [1973 c 50 § 6.]

58.09.070 COORDINATES—MAP SHOWING CONTROL SCHEME REQUIRED. When coordinates in the Washington coordinate system are shown for points on a record of survey map, the map may not be recorded unless it also shows, or is accompanied by a map showing, the control scheme through which the coordinates were determined from points of known coordinates. [1973 c 50 § 7.]

58.09.080 CERTIFICATES—REQUIRED—FORMS. Certificates shall appear on the record of survey map as follows:

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of _____ in _____, 19__.

Name of Person
(Signed and Sealed)
Certificate No.

AUDITOR'S CERTIFICATE

Filed for record this ____ day of _____, 19__ at ____ M. in book ____ of ____ at page__ at the request of _____.

(Signed)
County Auditor

[1973 c 50 § 8.]

58.09.090 WHEN RECORD OF SURVEY NOT REQUIRED. (1) A record of survey is not required of any survey:

(a) When it has been made by a public officer in his official capacity and a reproducible copy thereof has been filed with the county engineer of the county in which the land is located. A map so filed shall be indexed and kept available for public inspection. A record of survey shall not be required of a survey made by the United States bureau of land management. A state agency conducting surveys to carry out the program of the agency shall not be required to use a land surveyor as defined by this chapter;

(b) When it is of a preliminary nature;

(c) When a map is in preparation for recording or shall have been recorded in the county under any local subdivision or platting law or ordinance.

(2) Surveys exempted by foregoing subsections of this section shall require filing of a record of corner information pursuant to RCW 58.09.040 (2). [1973 c 50 § 9.]

58.09.100 FILING FEE. The charge for filing any record of survey and/or record of corner information shall be fixed by the board of county commissioners. [1973 c 50 § 10.]

58.09.110 DUTIES OF COUNTY AUDITOR. The record of survey and/or record of corner information filed with the county auditor of any county shall be securely fastened by him into suitable books provided for that purpose.

He shall keep proper indexes of such record of survey by the name of owner and by section, township, and range, with reference to other legal subdivisions.

He shall keep proper indexes of the record of corner information by section, township and range.

The original survey map shall be stored for safekeeping in a reproducible condition. It shall be proper for the auditor to maintain for public reference a set of counter maps that are prints of the original maps. The original maps shall be produced for comparison upon demand. [1973 c 50 § 11.]

58.09.120 MONUMENTS—REQUIREMENTS. Any monument set by a land surveyor to mark or reference a point on a property or land line shall be permanently marked or tagged with the certificate number of the land surveyor setting it. If the monument is set by a public officer it shall be marked by an appropriate official designation.

Monuments set by a land surveyor shall be sufficient in number and durability and shall be efficiently placed so as not to be readily disturbed in order to assure, together with monuments already existing,

the perpetuation or reestablishment of any point or line of a survey. [1973 c 50 § 12.]

58.09.130 MONUMENTS DISTURBED BY CONSTRUCTION ACTIVITIES—PROCEDURE—REQUIREMENTS. When adequate records exist as to the location of subdivision, tract, street, or highway monuments, such monuments shall be located and referenced by or under the direction of a land surveyor at the time when streets or highways are reconstructed or relocated, or when other construction or activity affects their perpetuation. Whenever practical a suitable monument shall be reset in the surface of the new construction. In all other cases permanent witness monuments shall be set to perpetuate the location of preexisting monuments. Additionally, sufficient controlling monuments shall be retained or replaced in their original positions to enable land lines, property corners, elevations and tract boundaries to be reestablished without requiring surveys originating from monuments other than the ones disturbed by the current construction or activity.

It shall be the responsibility of the governmental agency or others performing construction work or other activity to provide for the monumentation required by this section. It shall be the duty of every land surveyor to cooperate with such governmental agency or other person in matters of maps, field notes, and other pertinent records. Monuments set to mark the limiting lines of highways, roads, or streets shall not be deemed adequate for this purpose unless specifically noted on the records of the improvement works with direct ties in bearing or azimuth and distance between those and other monuments of record. [1973 c 50 § 13.]

58.09.140 NONCOMPLIANCE GROUNDS FOR REVOCATION OF LAND SURVEYOR'S LICENSE. Noncompliance with any provision of this chapter, as it now exists or may hereafter be amended, shall constitute grounds for revocation of a land surveyor's authorization to practice the profession of land surveying and as further set forth under RCW 18.43.105 and 18.43.110. [1973 c 50 § 14.]

58.09.900 SEVERABILITY—1973 C 50. 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. [1973 c 50 § 15.]

Chapter 58.17
PLATS—SUBDIVISIONS—DEDICATIONS

58.17.310 APPROVAL OF PLAT WITHIN IRRIGATION DISTRICT WITHOUT PROVISION FOR IRRIGATION WATER RIGHT OF WAY PROHIBITED. In addition to any other requirements imposed by the provisions of this chapter, the legislative authority of any city, town, or county shall not approve a short plat or final plat, as defined in RCW 58.17.020, for any subdivision, short subdivision, lot, tract, parcel, or site which lies in whole or in part in an irrigation district organized pursuant to chapter 87.03 RCW unless there has been provided an irrigation water right of way for each parcel of land in such district and such rights of way shall be evidenced by the respective plats submitted for final approval to the appropriate legislative authority. Compliance with the requirements of this section together with all other applicable provisions of this chapter shall be a prerequisite, within the expressed purpose of this chapter, to any sale, lease, or development of land in this state. [1973 c 150 § 2.]

Chapter 58.19
LAND DEVELOPMENT ACT

58.19.010 PURPOSE. The legislature finds and declares that the sale and offering for sale of land or of interests in associations which provide for the use or occupancy of land touches and affects a great number of the citizens of this state and that full and complete disclosure to prospective purchasers of pertinent information concerning land developments, including any encumbrances or liens which might attach to the land and the physical characteristics of the development as well as the surrounding land, is essential. The legislature further finds and declares that a program of state registration and of publication and delivery to prospective purchasers of a complete and accurate public offering statement is necessary in order to adequately protect both the economic and physical welfare of the citizens of this state. It is the purpose of this chapter to provide for a reasonable program of state registration and regulation of the sale and offering for sale of any interest in significant land developments within or without the state of Washington, so that the prospective purchasers of such interests might be provided with full, complete, and accurate information of all pertinent circumstances affecting their purchase. [1973 1st ex.s. c 12 § 1.]

58.19.020 DEFINITIONS. When used in this chapter, unless the context otherwise requires:

(1) "Blanket encumbrance" shall mean a trust deed, mortgage, mechanic's lien, or any other lien or encumbrance, securing or evidencing the payment of money and affecting the land to be developed or affecting more than one lot or parcel of developed land, or an agreement affecting more than one such lot or parcel by which the developer holds said development under option, contract, sale, or trust agreement. The term shall not include taxes and assessments levied by a public authority.

(2) "Director" means the director of the department of motor vehicles or his authorized designee.

(3) "Developer" means any owner of a development who offers it for disposition, or the principal agent of an inactive owner.

(4) "Development" or "developed lands" means land which is divided or is proposed to be divided for the purpose of disposition into ten or more lots, parcels, or units (excluding interests in camping clubs regulated under chapter 19.105 RCW) and any other land whether contiguous or not, if ten or more lots, parcels, units, or interests are offered as a part of a common promotional plan of advertising and sale.

(5) "Disposition" includes any sale, lease, assignment, or exchange of any interest in any real property which is a part of or included within a development, and also includes the offering of property as a prize or gift when a monetary charge or consideration for whatever purpose is required in conjunction therewith, and any other transaction concerning a development if undertaken for gain or profit.

(6) "Offer" includes every inducement, solicitation, or media advertisement which has as a principal aim to encourage a person to acquire an interest in land.

(7) "Hazard" means all existing or proposed unusual conditions relating to the location of the development, noise, safety, or other nuisance which affect or might affect the development.

(8) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, unincorporated association, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.

(9) "Purchaser" means a person who acquires or attempts to acquire or succeeds to any interest in land.

(10) "Residential buildings" shall mean premises that are actually intended or used as permanent residences of the purchasers and that are not devoted exclusively to any other purpose. [1973 1st ex.s. c 12 § 2.]

58.19.030 EXEMPTIONS FROM CHAPTER.

(1) Unless the method of disposition is adopted for the purpose of evasion of this chapter, the provisions of this chapter shall not apply to land and offers or dispositions:

(a) By a purchaser of developed lands for his own account in a single or isolated transaction;

(b) If fewer than ten separate lots, parcels, units, or interests in developed lands are offered by a person in a period of twelve months;

(c) If each lot offered in the development is five acres or more;

(d) On which there is a residential, commercial, or industrial building, or as to which there is a legal obligation on the part of the seller to construct such a building within two years from date of disposition;

(e) To any person who acquires such lot, parcel, unit or interest therein for the purpose of engaging in the business of constructing residential, commercial, or industrial buildings or for the purpose of resale or lease or other disposition of such lots to persons engaged in such business or businesses;

(f) Any lot, parcel, unit or interest if the development is located within an area incorporated prior to January 1, 1974;

(g) Pursuant to court order; or

(h) As cemetery lots or interests.

(2) Unless the method of disposition is adopted for the purpose of evasion of this chapter, the provisions of this chapter shall not apply to:

(a) Offers or dispositions of evidence of indebtedness secured by a mortgage or deed of trust of real estate;

(b) Offers or dispositions of securities or units of interest issued by a real estate investment trust regulated under any state or federal statute;

(c) A development as to which the director has waived the provisions of this chapter as provided in RCW 58.19.040;

(d) Offers or dispositions of securities currently registered with the division of securities of the department of motor vehicles;

(e) Offers or dispositions of any interest in oil, gas, or other minerals or any royalty interest therein if the offers or dispositions of such interests are regulated as securities by the United States or by the division of securities of the department of motor vehicles. [1973 1st ex.s. c 12 § 3.]

58.19.040 WAIVER. The director may waive the provisions of this chapter for a development of twenty-five or fewer lots, parcels, units, or interests if he determines that the plan of promotion and disposition is primarily directed to persons in the local community in which the development is situated. [1973 1st ex.s. c 12 § 4.]

**58.19.050 REGISTRATION REQUIRED—REVO-
CATION OF PURCHASE CONTRACT.** Unless the development or the transaction is exempt by RCW 58.19.030:

(1) No person may offer or dispose of any interest in a development located in this state, nor offer or dispose of in this state any interest in a development located without this state prior to the time the development is registered in accordance with this chapter.

(2) Any contract or agreement for the purchase of an interest in a development, where the current public offering statement has not been given to the purchaser in advance or at the time of his signing, shall be voidable at the option of the purchaser. A purchaser may revoke such contract or agreement within forty-eight hours, where he has received the public offering statement less than forty-eight hours before he signed the contract or agreement, and the contract or agreement shall so provide. Notice of revocation shall be made by written notice delivered to the seller or his agent. The time period of forty-eight hours shall not include all or any portion of a Saturday, Sunday, or legal holiday. [1973 1st ex.s. c 12 § 5.]

**58.19.060 APPLICATION FOR REGISTRA-
TION—CONTENTS.** An application for registration of a development shall be filed as prescribed by rules and regulations adopted by the director and shall contain the following documents and information:

(1) An irrevocable appointment of the director to receive service of any lawful process in any noncriminal proceeding arising under this chapter against the applicant or his personal representative;

(2) A legal description of the development offered for registration, together with a map showing the division proposed or made, and the dimensions of the lots, parcels, units, or interests, and the relation of the development to existing streets, roads, and other off-site improvements;

(3) The states or jurisdictions in which an application for registration or similar document has been filed, and any adverse order, judgment, or decree entered in connection with the development by the regulator authorities in each jurisdiction or by any court;

(4) The name and address of each person having an ownership interest of five percent or more in the development together with the names, principal occupations, and addresses of every officer, director, partner, or trustee of the developer;

(5) A statement of the existing provisions for access, sewage disposal, potable water, and other public utilities in the development; a statement of the improvements to be installed, how they are going to be financed, the schedule for their completion; and a statement as to the provision for improvement maintenance.

The statements required in this subsection shall include certificates from the appropriate governmental authorities certifying that the applicant has complied with all local health and planning and state and local subdivision requirements;

(6) A statement, in a form acceptable to the director, of the condition of the title to the development including easements of record, encumbrances, liens of record, blanket encumbrances, and the existence of partial release clauses, if any, as of a specified date within twenty days of the date of application, by title opinion of a title insurance company or licensed attorney, not a salaried employee, officer, or director of the applicant or owner, or by other evidence of title acceptable to the agency;

(7) Copies of the instruments which will be delivered to a purchaser to evidence his interest in the development and of the contracts and other agreements which a purchaser will be required to agree to or sign;

(8) A statement, where the development is encumbered by a blanket encumbrance which does not contain an unconditional release clause, as to which alternative condition provided for in RCW 58.19.180 the developer shall adopt;

(9) Copies of instruments creating easements, restrictions, or other encumbrances affecting the development;

(10) A statement of the zoning and other governmental regulations affecting the use of the development and also of any existing or proposed special taxes or assessments which affect the development;

(11) A narrative description of the promotional plan for the disposition of the development, together with copies of all advertising material which has been prepared for public distribution by any means of communication;

(12) A statement of any hazard on or around the development;

(13) The proposed public offering statement;

(14) Any other information, including any current financial statement, which the director by its rules and regulations requires for the protection of purchasers. [1973 1st ex.s. c 12 § 6.]

**58.19.070 PUBLIC OFFERING STATEMENT—
CONTENTS.** The proposed public offering statement, required to be submitted as part of the application for registration, shall be on a form prescribed by rules and regulations adopted by the director and shall include the following:

(1) The name and principal address of the developer;

(2) A general description of the development stating the total number of lots, parcels, units, or interests in the offering;

(3) The significant terms of any encumbrances, easements, liens, and restrictions, including zoning and other

regulations affecting the development and each unit or lot, and a statement of all existing taxes and existing or proposed special taxes or assessments which affect the development;

(4) A statement of the use for which the property is offered;

(5) Information concerning improvements, including streets, potable water supply, levees, drainage control systems, irrigation systems, sewage disposal facilities, customary utilities, and recreational facilities, and the estimated cost, means of financing, date of completion, and responsibility for construction and maintenance of existing and proposed improvements which are referred to in connection with the offering or disposition of any interest in a development;

(6) A statement of any hazard on or around the development;

(7) Additional information required by the director to assure full and fair disclosure to prospective purchasers. [1973 1st ex.s. c 12 § 7.]

58.19.080 REQUIREMENTS ENUMERATED—EXAMINATION. Upon receipt of an application for registration in proper form, the director shall immediately initiate an examination to determine that the following requirements are satisfied:

(1) The developer can convey or cause to be conveyed the interest in a development offered for disposition if the purchaser complies with the terms of the offer, and when appropriate, that release clauses, conveyances in trust, or other safeguards have been provided;

(2) The developer has complied with all local health and planning, and state and local subdivision requirements;

(3) The advertising material and the general promotional plan are not false, misleading, or deceptive, afford full and fair disclosure, and comply with the standards prescribed by the director in its rules and regulations;

(4) The developer has not, or if a corporation, its officers, directors, and principals have not, been convicted of a crime involving land dispositions or any aspect of the land sales business in this state, the United States, or any other state or foreign country within the past ten years and has or have not been subject to any injunction or administrative order or judgment entered under the provisions of RCW 19.86.080 or 19.86.090 involving a violation or violations of the provisions of RCW 19.86.020 within the past ten years restraining a false or misleading promotional plan involving land dispositions;

(5) The public offering statement requirements of this chapter have been satisfied. [1973 1st ex.s. c 12 § 8.]

58.19.090 REGISTRATION OR REJECTION—ORDER—PROCEDURE. (1) Upon receipt of the application for registration in proper form, the director shall issue a notice of filing to the applicant. Within thirty days from the date of notice of filing for an in-state development or sixty days for an out-of-state development, the director shall enter an order registering the development or rejecting the registration. If no order of rejection is entered within thirty days from the date of notice of filing for an in-state development or sixty days for an out-of-state development, the land shall be deemed registered unless the applicant has consented in writing to a delay.

(2) If the director affirmatively determines, upon inquiry and examination that the requirements of RCW 58.19.080 have been met, he shall enter an order registering the development and shall designate the form of the public offering statement.

(3) If the director determines upon inquiry and examination that any of the requirements of RCW 58.19.080 have not been met, the director shall notify the applicant that the application for registration must be corrected in the deficiencies specified. If the requirements for correction are not met, the director shall enter an order rejecting the registration which shall include the findings of fact upon which the order is based. The order rejecting the registration shall not become effective for twenty days during which time the applicant may petition for reconsideration and shall be entitled to a hearing. [1973 1st ex.s. c 12 § 9.]

58.19.100 REGISTRATION UNDER FEDERAL ACT. (1) Any development registered under the Interstate Land Sales Full Disclosure Act (82 Stat. 590-599; 15 U.S.C. Sec. 1701-1720) shall, at the developer's request, be registered under this chapter if the developer:

(a) Files with the director a copy of his federal statement of record and property report and copies of all papers, documents, exhibits, and certificates he has filed with or received from the federal government in regard to his federal registration; and

(b) Complies with the provisions of RCW 58.19.180, dealing with blanket encumbrances.

Where a developer satisfies items (a) and (b) above, the federal property report for the development shall qualify and be accepted as the public offering statement under this chapter.

(2) State registration under this section shall only be valid and current so long as:

(a) The developer's federal registration is valid and current; and

(b) The director is promptly advised of any change in the developer's federal registration and is promptly provided with copies of all papers, documents, exhibits

and certificates relating to the development which the developer has filed with or received from the federal government subsequent to the date on which his federal registration was granted.

(3) Except as provided otherwise in this subsection, the provisions of this chapter shall apply to developments registered under this section. RCW 58.19.060 through 58.19.090 and 58.19.110 through 58.19.130 shall not apply to developments having a valid and current registration under this section. [1973 1st ex.s. c 12 § 10.]

58.19.110 CONSOLIDATION OF REGISTRATIONS. If the developer registers an additional development to be offered for disposition, he may consolidate the subsequent registration with any earlier registration offering a development for disposition under the same promotional plan. [1973 1st ex.s. c 12 § 11.]

58.19.120 REPORT OF CHANGES REQUIRED--AMENDMENTS. The developer shall immediately report to the director any material changes in the information contained in his application for registration. No change in the substance of the promotional plan or plan of disposition or completion of the development may be made after registration without notifying the director and without making appropriate amendment of the public offering statement. A public offering statement is not current unless it incorporates all amendments. [1973 1st ex.s. c 12 § 12.]

58.19.130 PUBLIC OFFERING STATEMENT FORM--TYPE AND STYLE RESTRICTION. No portion of the public offering statement form may be underscored, italicized, or printed in larger or heavier or different color type than the remainder of the statement unless the director so requires. [1973 1st ex.s. c 12 § 13.]

58.19.140 PUBLIC OFFERING STATEMENT--PROMOTIONAL USE, DISTRIBUTION RESTRICTION--HOLDING OUT THAT STATE OR EMPLOYEES, ETC. APPROVE DEVELOPMENT PROHIBITED. The public offering statement shall not be used for any promotional purposes. It may not be distributed to prospective purchasers before registration of the development and may be distributed afterwards only when it is used in its entirety. No person may advertise or represent that the state of Washington or the director, the department, or any employee thereof approves or recommends the development or disposition thereof. [1973 1st ex.s. c 12 § 14.]

58.19.150 PUBLIC OFFERING STATEMENT--FALSE, MISLEADING OR DECEPTIVE--SUSPENSION--PROCEDURE. (1) If it appears to the director at any time that a public offering statement currently in effect includes any statement that is false, misleading, or deceptive, the director may, after notice and after opportunity for hearing (at a time fixed by the director) within fifteen days after such notice, issue an order suspending the public offering statement. When such statement has been amended in accordance with such order, the director shall so declare and thereupon the order of suspension shall cease to be effective.

(2) The director is hereby empowered to make an examination in any case to determine whether an order should issue under subsection (1) of this section. In making such examination, the director or anyone designated by the director shall have access to, and may demand the production of any books and papers of, and may administer oaths and affirmations to, and may examine, the developer, any agents, or any other person, in respect to any matter relevant to the examination. If the developer or any agents shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the developer's public offering statement. [1973 1st ex.s. c 12 § 15.]

58.19.160 PUBLIC OFFERING STATEMENT--COPIES AVAILABLE TO PUBLIC. A copy of the public offering statement issued on land within a development covered by this chapter shall be given by the director, upon oral or written request, to any member of the public. [1973 1st ex.s. c 12 § 16.]

58.19.170 PUBLIC OFFERING STATEMENT--COPIES TO BE GIVEN PROSPECTIVE PURCHASERS. A copy of the public offering statement issued on land within a development covered by this chapter shall be given by the developer or his agents or salesmen, upon oral or written request, to every adult or head of a family who visits the site of a development as a prospective purchaser. [1973 1st ex.s. c 12 § 17.]

58.19.180 UNLAWFUL TO SELL LOTS OR PARCELS SUBJECT TO BLANKET ENCUMBRANCE WHICH DOES NOT PROVIDE PURCHASER CAN OBTAIN CLEAR TITLE--ALTERNATIVES. It shall be unlawful for the developer to make a sale of lots or parcels within a development which is subject to a blanket encumbrance which does not contain, within its terms or by supplementary agreement, a provision which shall unconditionally provide that the purchaser of a lot or parcel encumbered thereby can obtain the legal title, or other interest contracted for,

free and clear of the lien of such blanket encumbrance upon compliance with the terms and conditions of the purchase, unless the developer shall elect and comply with one of the following alternative conditions:

(1) The developer shall deposit in an escrow depository acceptable to the director: In cases where the blanket encumbrance does not provide for partial release, all or such portions of the money paid or advanced by the purchaser on any such lot or parcel within said development as the director shall determine to be sufficient to protect the interest of the purchaser; or in cases where the blanket encumbrance provides for partial releases thereof which are not unconditional, the developer shall deposit, at such time as the balance due to the developer from such purchasers is equal to the sum necessary to procure a release of such lots or parcels contracted for from the lien of such blanket encumbrance, all of the sums thereafter received from such purchasers until either:

(a) A proper release is obtained from such blanket encumbrance;

(b) Either the developer or the purchaser defaults under the sales contract and there is a forfeiture of the interest of the purchaser or there is a determination as to the disposition of such moneys, as the case may be; or

(c) The developer orders a return of such moneys to such purchaser.

(2) The title to the development is held in trust under an agreement of trust acceptable to the director until the proper release of such blanket encumbrance is obtained.

(3) A bond to the state of Washington or such other proof of financial responsibility is furnished to the director for the benefit and protection of purchasers of such lots or parcels in such an amount and subject to such terms, as may be approved by the director, which shall provide for the return of moneys paid or advanced by any purchaser on account of a sale of any such lot or parcel if a proper release from such blanket encumbrance is not obtained: PROVIDED, That if it should be determined that such purchaser, by reason of default, or otherwise, is not entitled to the return of such moneys or any portion thereof, such bond or other proof of financial responsibility shall be exonerated to the extent and in the amount thereof. The amount of the bond or other proof of financial responsibility may be increased or decreased or a bond may be waived from time to time as the director shall determine. [1973 1st ex.s. c 12 § 18.]

58.19.190 FALSE ADVERTISING--FINDING--NOTICE--ORDER--HEARING. No person shall publish in this state any advertisement concerning a development subject to the registration requirements of this chapter

after the director finds that the advertisement contains any statements that are false, misleading, or deceptive and so notifies the person in writing. Such notification may be given summarily without notice or hearing. At any time after the issuance of a notification under this section the person desiring to use the advertisement may in writing request the order be rescinded. Upon receipt of such a written request, the matter shall be set down for hearing to commence within fourteen days after such receipt unless the person making the request consents to a later date. After such hearing, which shall be conducted in accordance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW, the director shall determine whether to affirm and to continue or to rescind such order and shall have all powers granted under such act. [1973 1st ex.s. c 12 § 19.]

58.19.200 INVESTIGATIONS OF VIOLATIONS--PROCEDURE. (1) The director may:

(a) Make necessary public or private investigations within or outside of this state to determine whether any person has violated or is about to violate this chapter or any rule, regulation, or order hereunder, or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder;

(b) Require or permit any person to file a statement in writing, under oath or otherwise as the director determines, as to all facts and circumstances concerning the matter to be investigated.

(2) For the purpose of any investigation or proceeding under this chapter, the director or any officer designated by rule may administer oaths or affirmations, and upon his own motion or upon request of any party may subpoena witnesses, compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge or relevant facts, or any other matter reasonably calculated to lead to the discovery of material evidence.

(3) Upon failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the director may apply to the superior court for an order compelling compliance.

(4) Except as otherwise provided in this chapter, all proceedings under this chapter shall be in accordance with the Administrative Procedure Act, chapter 34.04 RCW. [1973 1st ex.s. c 12 § 20.]

58.19.210 VIOLATIONS--CEASE AND DESIST ORDERS--INJUNCTIONS. (1) If the director determines after notice and hearing that a person has:

(a) Violated any provision of this chapter;

(b) Directly or through an agent or employee engaged in any false, deceptive, or misleading advertising, promotional, or sales methods to offer or dispose of an interest in developed lands;

(c) Made any substantial change in the plan of disposition and completion of the development subsequent to the order of registration without obtaining prior written approval from the director;

(d) Disposed of any interest in a development required to be registered under this chapter which has not been so registered with the director;

(e) Violated any lawful order; rule or regulation of the director; he may issue an order requiring the person to cease and desist from the unlawful practice and to take such affirmative action as in the judgment of the director will carry out the purposes of this chapter.

(2) If the director makes a finding of fact in writing that the public interest will be irreparably harmed by delay in issuing an order, he may issue a temporary cease and desist order. Prior to issuing the temporary cease and desist order, the director whenever possible by telephone or otherwise shall give notice of the proposal to issue a temporary cease and desist order to the person. Every temporary cease and desist order shall include in its terms a provision that upon request a hearing will be held to determine whether or not the order becomes permanent.

(3) If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of a provision of this chapter, or a rule or order hereunder, the director, with or without prior administrative proceedings, may bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter or any rule, regulation, or order hereunder. Upon proper showing, injunctive relief or temporary restraining orders shall be granted, and a receiver or conservator may be appointed. The director shall not be required to post a bond in any court proceedings. [1973 1st ex.s. c 12 § 21.]

58.19.220 REVOCATION OF REGISTRATION—
 GROUNDS—CEASE AND DESIST ORDER AS ALTER-
 NATIVE. (1) A registration may be revoked after notice and hearing upon a written finding of fact that the developer has:

(a) Failed to comply with the terms of a cease and desist order;

(b) Been convicted in any court subsequent to the filing of the application for registration for a crime involving fraud, deception, false pretense, misrepresentation, false advertising, or dishonest dealing in real estate transactions;

(c) Disposed of, concealed, or diverted any funds or assets of any person so as to defeat the rights of development purchasers;

(d) Repeatedly failed to perform any stipulation or agreement made with the director as an inducement to grant any registration, to reinstate any registration, or to approve any promotional plan or public offering statement;

(e) Made intentional misrepresentations or concealed material facts in an application for registration.

Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

(2) If the director finds after notice and hearing that the developer has been guilty of a violation for which revocation could be ordered, he may issue a cease and desist order instead of ordering revocation. [1973 1st ex.s. c 12 § 22.]

58.19.230 SUITS BY OR AGAINST DEVELOPER—NOTICE TO DIRECTOR. In any suit by or against a developer involving his development, the developer promptly shall furnish the director notice of the suit and copies of all pleadings. This section shall not apply where the director is a party to the suit. [1973 1st ex.s. c 12 § 23.]

58.19.240 JUDICIAL REVIEW. Proceedings for judicial review shall be in accordance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW. [1973 1st ex.s. c 12 § 24.]

58.19.250 RULES AND REGULATIONS. The director shall prescribe reasonable rules and regulations in order to implement this chapter and such rules and regulations shall be adopted, amended, or repealed in compliance with the Administrative Procedure Act, chapter 34.04 RCW. [1973 1st ex.s. c 12 § 25.]

58.19.260 ADDITIONAL POWERS AND DUTIES OF DIRECTOR. In addition to the powers granted the director under other sections of this chapter, the director may:

(1) Intervene in a suit involving a development registered under this chapter;

(2) Accept information contained in registrations filed in other states;

(3) Contract with similar agencies in this state, any other state, or with the federal government to perform investigative functions;

(4) Accept grants in aid from any source;

(5) Cooperate with similar agencies in other states and with the federal government to establish, insofar as practical, uniform filing procedures and forms, uniform public offering statements, advertising standards and rules, and common administrative practices. [1973 1st ex.s. c 12 § 26.]

58.19.270 VIOLATIONS DEEMED UNFAIR PRACTICE SUBJECT TO CHAPTER 19.86 RCW.

(1) The commission by any person of an act or practice prohibited by this chapter is hereby declared to be an unfair act or practice or unfair method of competition in the conduct of trade or commerce for the purpose of the application of the Consumer Protection Act, chapter 19.86 RCW, as now or hereafter amended.

(2) The director may refer such evidence as may be available to him concerning violations of this chapter or of any rule or regulation adopted hereunder to the attorney general or the prosecuting attorney of the county wherein the alleged violation arose, who may, in their discretion, with or without such a reference, in addition to any other action they might commence, bring an action in the name of the state against any person to restrain and prevent the doing of any act or practice prohibited by this chapter: PROVIDED, That this chapter shall be considered in conjunction with chapters 9.04 and 19.86 RCW, as now or hereafter amended, and the powers and duties of the attorney general and the prosecuting attorney as they may appear in the aforementioned chapters, shall apply against all persons subject to this chapter. [1973 1st ex.s. c 12 § 27.]

201-250.....	450
251-300.....	500
301-350.....	550
351-400.....	600
401-450.....	650
451-500.....	700
501-550.....	750
551-600.....	800
601-650.....	850
651-700.....	900
701-750.....	950
751-800.....	1,000
801-850.....	1,025
851-900.....	1,050
901-950.....	1,075
951-1,000.....	1,100
1,001-1,050.....	1,125
1,051-1,100.....	1,150
1,101-1,150.....	1,175
1,151-1,200.....	1,200
1,201-1,250.....	1,225
1,251-1,300.....	1,250
1,301-1,350.....	1,275
1,351-1,400.....	1,300
1,401-1,450.....	1,325
1,451-1,500.....	1,350
1,501-1,550.....	1,375
1,551-1,600.....	1,400
1,601-1,650.....	1,425
1,651-1,700.....	1,450
1,701-1,750.....	1,475
1,751-or more.....	1,500

58.19.280 JURISDICTION OF SUPERIOR COURTS.

Dispositions of an interest in a development are subject to this chapter, and the superior courts of this state have jurisdiction in claims or causes of action arising under this chapter, if:

(1) The interest in a development offered for disposition is located in this state;

(2) The developer maintains an office in this state; or

(3) Any offer or disposition of an interest in a development is made in this state, whether or not the offeror or offeree is then present in this state, if the offer originates within this state or is directed by the offeror to a person or place in this state and received by the person or at the place to which it is directed. [1973 1st ex.s. c 12 § 28.]

(2) The fee which shall accompany each application for a waiver of the provisions of this chapter shall be fifty dollars.

(3) The fee which shall accompany each application for registration of a development already registered under the federal Interstate Land Sales Full Disclosure Act (82 Stat. 590-599; 15 U.S.C. Sec. 1701-1720) shall be two hundred and fifty dollars. [1973 1st ex.s. c 12 § 29.]

58.19.290 APPLICATION FEES. The fees for applications required under this chapter shall be as prescribed under this section.

(1) Except as provided in subsection (3) of this section, the fee which shall accompany each application for registration shall be computed according to the number of units (meaning lots, parcels, or interests) in the development as provided in the following schedule:

1-50.....	\$ 250
51-100.....	300
101-150.....	350
151-200.....	400

58.19.300 HAZARDOUS CONDITIONS--NOTICE. If, after disposition of all or any portion of a development which is covered by this chapter, a condition constituting a hazard is discovered on or around the development, the developer or government agency discovering such condition shall notify the director immediately. After receiving such notice, the director shall forthwith take all steps necessary to notify the owners of the affected lands either by transmitting notice through the appropriate county assessor's office or such other steps as might reasonably give actual notice to the owners. [1973 1st ex.s. c 12 § 30.]

58.19.900 PERSONS SELLING LAND ON EFFECTIVE DATE--GRACE PERIOD FOR COMPLIANCE. Any person selling land or other interests in a development prior to January 1, 1974, and who intends to continue selling such land or interests, shall have until March 1, 1974, to perfect his registration under this chapter. During the period from January 1, 1974 to March 1, 1974, he may

continue selling such land or other interest in the development without having procured registration under this chapter. [1973 1st ex.s. c 12 § 31.]

58.19.910 PRIOR DEVELOPMENTS--EXEMPTIONS. The provisions of RCW 58.19.180 shall not apply to any development where either:

(1) Each lot contained in the development is included in a final plat approved prior to January 1, 1974, pursuant to chapter 58.17 RCW or any platting and subdivision ordinance of any Washington county, city, or town; or

(2) The development is registered with the federal government pursuant to the Interstate Land Sales Full Disclosure Act (82 Stat. 590-599; 15 U.S.C. Sec. 1701-1720) and such registration was granted prior to January 1, 1974. [1973 1st ex.s. c 12 § 32.]

58.19.920 LIBERAL CONSTRUCTION. The provisions of this chapter shall be construed liberally so as to give effect to the purposes stated in RCW 58.19.010. [1973 1st ex.s. c 12 § 33.]

58.19.930 EFFECTIVE DATE. This chapter shall become effective January 1, 1974: PROVIDED, That prior to January 1, 1974, the director is authorized and empowered to undertake and perform duties and conduct activities necessary for the implementation of this chapter upon its becoming effective. [1973 1st ex.s. c 12 § 34.]

58.19.940 SHORT TITLE. This chapter may be cited as the Land Development Act of 1973. [1973 1st ex.s. c 12 § 35.]

58.19.950 SEVERABILITY--1973 1ST EX.S. C 12. If any provision of this 1973 act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this 1973 act are severable. [1973 1st ex.s. c 12 § 36.]

Chapter 58.22 STATE BASE MAPPING SYSTEM

58.22.010 LEGISLATIVE INTENT. It is the intent of the legislature to establish a coordinated system of state base maps to assist all levels of government to more effectively provide the information to meet their responsibilities for resource planning and management.

It is further the legislature's intent to eliminate duplication, to insure compatibility, and to create coordination through a uniform base which all agencies will use.

It is in the interest of all citizens in the state of Washington that a state base mapping system be established to make essential base maps available at cost to all users, both public and private. [1973 1st ex.s. c 159 § 1.]

58.22.020 ESTABLISHMENT AND MAINTENANCE--STANDARDS. The department of natural resources shall establish and maintain a state base mapping system. The standards for the state base mapping system shall be:

(1) A series of fifteen minute United States geological survey quadrangle map separates at a scale of one to 48,000 (one inch equals 4,000 feet) covering the entire state;

(2) A series of seven and one-half minute United States geological survey quadrangle map separates at a scale of one to 24,000 (one inch equals 2,000 feet) for urban areas; including but not limited to those identified as urban by the state highway department for the United States department of commerce, bureau of public roads.

All features and symbols added to the quadrangle separates shall meet as nearly as is practical national map accuracy standards and specifications as defined by the United States geological survey for their fifteen minute and seven and one-half minute quadrangle map separates.

Each quadrangle shall be revised by the department of natural resources as necessary to reflect current conditions. [1973 1st ex.s. c 159 § 2.]

58.22.030 UNITED STATES GEOLOGICAL SURVEY QUADRANGLE MAP SEPARATES--ACQUISITION BY STATE AGENCIES. Any state agency purchasing or acquiring United States geological survey quadrangle map separates shall do so through the department of natural resources. [1973 1st ex.s. c 159 § 3.]

58.22.040 UNITED STATES GEOLOGICAL SURVEY QUADRANGLE MAP SEPARATES--STATE DEPOSITORY. The department of natural resources shall be the primary depository of all United States geological survey quadrangle map separates for state agencies: PROVIDED, That any state agency may maintain duplicate copies. [1973 1st ex.s. c 159 § 4.]

58.22.050 AVAILABILITY OF MAP SEPARATES--POWERS AND DUTIES OF DEPARTMENT.
(1) All United States geological survey quadrangle map separates shall be available at cost to all state agencies, local

agencies, the federal government, and any private individual or company through duplication and purchase.

The department shall coordinate all requests for the use of United States geological survey quadrangle map separates and shall provide advice on how to best use the system.

(2) The department shall maintain a catalogue showing all United States geological survey quadrangle map separates available. The department shall also catalogue information describing additional separates or products created by users. Copies of maps made for any state or local agency shall be available to any other state or local agency. [1973 1st ex.s. c 159 § 5.]

TITLE 59
LANDLORD AND TENANT

Sections added, amended, or repealed:

Chapter 59.04 Tenancies.

59.04.900 Chapter inapplicable to rental agreements under landlord-tenant act.

Chapter 59.08 Default in Rent of Forty Dollars or Less.

59.08.900 Chapter inapplicable to rental agreements under landlord-tenant act.

Chapter 59.12 Forcible Entry and Forcible and Unlawful Detainer.

59.12.091 Writ of restitution under landlord-tenant act—RCW 59.12.090, 59.12.100, 59.12.121 and 59.12.170 inapplicable.

Chapter 59.18 Residential Landlord-Tenant Act.

59.18.010 Short title.
59.18.020 Rights and remedies—Obligation of good faith imposed.
59.18.030 Definitions.
59.18.040 Living arrangements exempted from chapter.
59.18.050 Jurisdiction of district and superior courts.
59.18.060 Landlord—Duties.
59.18.070 Landlord—Failure to perform duties—Notice from tenant—Contents—Time limits for landlord's remedial action.
59.18.080 Payment of rent condition to exercising remedies—Exceptions.
59.18.090 Landlord's failure to remedy defective condition—Tenant's choice of actions.
59.18.100 Landlord's failure to carry out duties—Repairs effected by

tenant—Bids—Notice—Deduction of cost from rent—Limitations.
59.18.110 Failure of landlord to carry out duties—Determination by court or arbitrator—Judgment against landlord for diminished rental value and repair costs—Enforcement of judgment—Reduction in rent under certain conditions.
59.18.120 Defective condition—Unfeasible to remedy defect—Termination of tenancy.
59.18.130 Duties of tenant.
59.18.140 Reasonable obligations or restrictions—Tenant's duty to conform.
59.18.150 Landlord's right of entry—Purposes—Conditions.
59.18.160 Landlord's remedies if tenant fails to remedy defective condition.
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59.18.180 Tenant's failure to comply with statutory duties—Landlord to give tenant written notice of noncompliance—Landlord's remedies.
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59.18.240 Reprisals or retaliatory actions by landlord—Prohibited.
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59.18.310 Default in rent—Abandonment—Liability of tenant—Landlord's remedies.

- 59.18.320 Arbitration—Authorized—Exceptions—Notice—Procedure.
- 59.18.330 Arbitration—Application—Hearings—Decisions.
- 59.18.340 Arbitration—Fee.
- 59.18.350 Arbitration—Completion of arbitration after giving notice.
- 59.18.360 Exemptions.
- 59.18.370 Forcible entry or detainer or unlawful detainer actions—Writ of restitution—Application—Order—Hearing.
- 59.18.380 Forcible entry or detainer or unlawful detainer actions—Writ of restitution—Answer—Order—Stay—Bond.
- 59.18.390 Forcible entry or detainer or unlawful detainer actions—Writ of restitution—Service—Defendant's bond.
- 59.18.400 Forcible entry or detainer or unlawful detainer actions—Writ of restitution—Answer of defendant.
- 59.18.410 Forcible entry or detainer or unlawful detainer actions—Writ of restitution—Judgment—Execution.
- 59.18.420 RCW 59.12.090, 59.12.100, 59.12.121 and 59.12.170 inapplicable.
- 59.18.900 Severability—1973 1st ex.s. c 207.

Chapter 59.04
TENANCIES

59.04.900 CHAPTER INAPPLICABLE TO RENTAL AGREEMENTS UNDER LANDLORD-TENANT ACT. This chapter does not apply to any rental agreement included under the provisions of chapter 59.18 RCW. [1973 1st ex.s. c 207 § 45.]

Chapter 59.08
DEFAULT IN RENT OF FORTY DOLLARS OR LESS

59.08.900 CHAPTER INAPPLICABLE TO RENTAL AGREEMENTS UNDER LANDLORD-TENANT ACT. This chapter does not apply to any rental agreement included under the provisions of chapter 59.18 RCW. [1973 1st ex.s. c 207 § 46.]

Chapter 59.12
FORCIBLE ENTRY AND FORCIBLE AND UNLAWFUL
DETAINER

Cross Reference:

Tenant's violation of duty under landlord-tenant act grounds for unlawful detainer action: RCW 59.18.180.

59.12.091 WRIT OF RESTITUTION UNDER LANDLORD-TENANT ACT—RCW 59.12.090, 59.12.100, 59.12.121 AND 59.12.170 INAPPLICABLE.

BLE. See RCW 59.18.420.

Chapter 59.18
RESIDENTIAL LANDLORD-TENANT ACT

59.18.010 SHORT TITLE. RCW 59.18.010 through 59.18.420 and 59.18.900 shall be known and may be cited as the "Residential Landlord-Tenant Act of 1973", and shall constitute a new chapter in Title 59 RCW. [1973 1st ex.s. c 207 § 1.]

59.18.020 RIGHTS AND REMEDIES—OBLIGATION OF GOOD FAITH IMPOSED. Every duty under this chapter and every act which must be performed as a condition precedent to the exercise of a right or remedy under this chapter imposes an obligation of good faith in its performance or enforcement. [1973 1st ex.s. c 207 § 2.]

59.18.030 DEFINITIONS. As used in this chapter:

(1) "Dwelling unit" is a structure or that part of a structure which is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to single family residences and units of multiplexes, apartment buildings, and mobile homes.

(2) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the landlord.

(3) "Person" means an individual, group of individuals, corporation, government, or governmental agency, business trust, estate, trust, partnership, or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(4) "Owner" means one or more persons, jointly or severally, in whom is vested:

(a) All or any part of the legal title to property; or

(b) All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

(5) "Premises" means a dwelling unit, appurtenances thereto, grounds, and facilities held out for the use of tenants generally and any other area or facility which is held out for use by the tenant.

(6) "Rental agreement" means all agreements which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit.

(7) A "single family residence" is a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it shall be deemed a single family residence if it has direct access to a street and shares neither heating facilities nor hot water

equipment, nor any other essential facility or service, with any other dwelling unit.

(8) A "tenant" is any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement.

(9) "Reasonable attorney's fees", where authorized in this chapter, means an amount to be determined including the following factors: The time and labor required, the novelty and difficulty of the questions involved, the skill requisite to perform the legal service properly, the fee customarily charged in the locality for similar legal services, the amount involved and the results obtained, and the experience, reputation and ability of the lawyer or lawyers performing the services. [1973 1st ex.s. c 207 § 3.]

59.18.040 LIVING ARRANGEMENTS EXEMPTED FROM CHAPTER. The following living arrangements are not intended to be governed by the provisions of this chapter, unless established primarily to avoid its application, in which event the provisions of this chapter shall control:

(1) Residence at an institution, whether public or private, where residence is merely incidental to detention or the provision of medical, religious, educational, recreational, or similar services, including but not limited to correctional facilities, licensed nursing homes, monasteries and convents, and hospitals;

(2) Occupancy under a bona fide earnest money agreement to purchase, bona fide option to purchase, or contract of sale of the dwelling unit or the property of which it is a part, where the tenant is, or stands in the place of, the purchaser;

(3) Residence in a hotel, motel, or other transient lodging whose operation is defined in RCW 19.48.010;

(4) Rental agreements entered into pursuant to the provisions of chapter 47.12 RCW where occupancy is by an owner-condemnee and where such agreement does not violate the public policy of this state of ensuring decent, safe, and sanitary housing and is so certified by the consumer protection division of the attorney general's office;

(5) Rental agreements for the use of any single family residence which are incidental to leases or rentals entered into in connection with a lease of land to be used primarily for agricultural purposes;

(6) Rental agreements providing housing for seasonal agricultural employees while provided in conjunction with such employment;

(7) Rental agreements with the state of Washington, department of natural resources, on public lands governed by Title 79 RCW;

(8) Occupancy by an employee of a landlord whose right to occupy is conditioned

upon employment in or about the premises. [1973 1st ex.s. c 207 § 4.]

59.18.050 JURISDICTION OF DISTRICT AND SUPERIOR COURTS. The district or superior courts of this state may exercise jurisdiction over any landlord or tenant with respect to any conduct in this state governed by this chapter or with respect to any claim arising from a transaction subject to this chapter within the respective jurisdictions of the district or superior courts as provided in Article IV, section 6 of the Constitution of the state of Washington. [1973 1st ex.s. c 207 § 5.]

59.18.060 LANDLORD—DUTIES. The landlord will at all times during the tenancy keep the premises fit for human habitation, and shall in particular:

(1) Maintain the premises to substantially comply with any applicable code, statute, ordinance, or regulation governing their maintenance or operation, which the legislative body enacting the applicable code, statute, ordinance or regulation could enforce as to the premises rented;

(2) Maintain the roofs, floors, walls, chimneys, fireplaces, foundations, and all other structural components in reasonably good repair so as to be usable and capable of resisting any and all normal forces and loads to which they may be subjected;

(3) Keep any shared or common areas reasonably clean, sanitary, and safe from defects increasing the hazards of fire or accident;

(4) Provide a reasonable program for the control of infestation by insects, rodents, and other pests at the initiation of the tenancy and, control infestation during tenancy except where such infestation is caused by the tenant;

(5) Except where the condition is attributable to normal wear and tear, make repairs and arrangements necessary to put and keep the premises in as good condition as it by law or rental agreement should have been, at the commencement of the tenancy;

(6) Provide reasonably adequate locks and furnish keys to the tenant;

(7) Maintain all electrical, plumbing, heating, and other facilities and appliances supplied by him in reasonably good working order;

(8) Maintain the dwelling unit in reasonably weathertight condition;

(9) Except in the case of a single family residence, provide and maintain appropriate receptacles in common areas for the removal of ashes, rubbish, and garbage, incidental to the occupancy and arrange for the reasonable and regular removal of such waste;

(10) Except where the building is not equipped for the purpose, provide facilities adequate to supply heat and water and

hot water as reasonably required by the tenant;

(11) Designate to the tenant the name and address of the person who is the landlord by a statement on the rental agreement or by a notice conspicuously posted on the premises. The tenant shall be notified immediately of any changes by certified mail or by an updated posting. If the person designated in this section does not reside in the state where the premises are located, there shall also be designated a person who resides in the county who is authorized to act as an agent for the purposes of service of notices and process, and if no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered such agent.

No duty shall devolve upon the landlord to repair a defective condition under this section, nor shall any defense or remedy be available to the tenant under this chapter, where the defective condition complained of was caused by the conduct of such tenant, his family, invitee, or other person acting under his control, or where a tenant unreasonably fails to allow the landlord access to the property for purposes of repair. When the duty imposed by subsection (1) of this section is incompatible with and greater than the duty imposed by any other provisions of this section, the landlord's duty shall be determined pursuant to subsection (1) of this section. [1973 1st ex.s. c 207 § 6.]

59.18.070 LANDLORD--FAILURE TO PERFORM DUTIES--NOTICE FROM TENANT--CONTENTS--TIME LIMITS FOR LANDLORD'S REMEDIAL ACTION. If at any time during the tenancy the landlord fails to carry out the duties required by RCW 59.18.060, the tenant may, in addition to pursuit of remedies otherwise provided him by law, deliver written notice to the person designated in subsection (11) of RCW 59.18.060, or to the person who collects the rent, which notice shall specify the premises involved, the name of the owner, if known, and the nature of the defective condition. For the purposes of this chapter, a reasonable time for the landlord to commence remedial action after receipt of such notice by the tenant shall be, except where circumstances are beyond the landlord's control;

(1) Not more than twenty-four hours, where the defective condition deprives the tenant of water or heat or is imminently hazardous to life;

(2) Not more than forty-eight hours, where the landlord fails to provide hot water or electricity;

(3) Subject to the provisions of subsections (1) and (2) of this section, not more than seven days in the case of a repair under RCW 59.18.100 (3);

(4) Not more than thirty days in all other cases.

In each instance the burden shall be on the landlord to see that remedial work

under this section is completed with reasonable promptness. [1973 1st ex.s. c 207 § 7.]

59.18.080 PAYMENT OF RENT CONDITION TO EXERCISING REMEDIES--EXCEPTIONS. The tenant shall be current in the payment of rent before exercising any of the remedies accorded him under the provisions of this chapter: PROVIDED, That this section shall not be construed as limiting the tenant's civil remedies for negligent or intentional damages: PROVIDED FURTHER, That this section shall not be construed as limiting the tenant's right in an unlawful detainer proceeding to raise the defense that there is no rent due and owing. [1973 1st ex.s. c 207 § 8.]

59.18.090 LANDLORD'S FAILURE TO REMEDY DEFECTIVE CONDITION--TENANT'S CHOICE OF ACTIONS. If, after receipt of written notice, and expiration of the applicable period of time, as provided in RCW 59.18.070, the landlord fails to remedy the defective condition within a reasonable time the tenant may:

(1) Terminate the rental agreement and quit the premises upon written notice to the landlord without further obligation under the rental agreement, in which case he shall be discharged from payment of rent for any period following the quitting date, and shall be entitled to a pro rata refund of any prepaid rent, and shall receive a full and specific statement of the basis for retaining any of the deposit together with any refund due in accordance with RCW 59.18.280;

(2) Bring an action in an appropriate court, or at arbitration if so agreed, for any remedy provided under this chapter or otherwise provided by law; or

(3) Pursue other remedies available under this chapter. [1973 1st ex.s. c 207 § 9.]

59.18.100 LANDLORD'S FAILURE TO CARRY OUT DUTIES--REPAIRS EFFECTED BY TENANT--BIDS--NOTICE--DEDUCTION OF COST FROM RENT--LIMITATIONS. (1) If at any time during the tenancy, the landlord fails to carry out any of the duties imposed by RCW 59.18.060, and notice of the defect is given to the landlord pursuant to RCW 59.18.070, the tenant may submit to the landlord or his designated agent by certified mail or in person at least two bids to perform the repairs necessary to correct the defective condition from licensed or registered persons, or if no licensing or registration requirement applies to the type of work to be performed, from responsible persons capable of performing such repairs. Such bids may be submitted to the landlord at the same time as notice is given pursuant to RCW 59.18.070: PROVIDED, That the remedy provided in this section shall not be available for a

landlord's failure to carry out the duties in subsections (6), (9), and (11) of RCW 59.18.060.

(2) If the landlord fails to commence repair of the defective condition within a reasonable time after receipt of notice from the tenant, the tenant may contract with the person submitting the lowest bid to make the repair, and upon the completion of the repair and an opportunity for inspection by the landlord or his designated agent, the tenant may deduct the cost of repair from the rent in an amount not to exceed the sum expressed in dollars representing one month's rental of the tenant's unit in any twelve-month period: PROVIDED, That when the landlord must commence to remedy the defective condition within thirty days as provided in subsection (4) of RCW 59.18.070, the tenant cannot contract for repairs for at least fifteen days following receipt of said bids by the landlord: PROVIDED FURTHER, That the total costs of repairs deducted in any twelve-month period under this subsection shall not exceed the sum expressed in dollars representing one month's rental of the tenant's unit.

(3) If the landlord fails to carry out the duties imposed by RCW 59.18.060 within a reasonable time, and if the cost of repair does not exceed one-half month's rent, including the cost of materials and labor, which shall be computed at the prevailing rate in the community for the performance of such work, and if repair of the condition need not by law be performed only by licensed or registered persons, the tenant may repair the defective condition in a workmanlike manner and upon completion of the repair and an opportunity for inspection, the tenant may deduct the cost of repair from the rent: PROVIDED, That repairs under this subsection are limited to defects within the leased premises: PROVIDED FURTHER, That the total costs of repairs deducted in any twelve-month period under this subsection shall not exceed one-half month's rent of the unit or seventy-five dollars in any twelve-month period, whichever is the lesser.

(4) The provisions of this section shall not:

(a) Create a relationship of employer and employee between landlord and tenant; or

(b) Create liability under the workmen's compensation act; or

(c) Constitute the tenant as an agent of the landlord for the purposes of RCW 60.04.010 and 60.04.040.

(5) Any repair work performed under the provisions of this section shall comply with the requirements imposed by any applicable code, statute, ordinance, or regulation. A landlord whose property is damaged because of repairs performed in a negligent manner may recover the actual damages in an action against the tenant.

(6) Nothing in this section shall prevent the tenant from agreeing with the

landlord to undertake the repairs himself in return for cash payment or a reasonable reduction in rent, the agreement thereof to be agreed upon between the parties, and such agreement does not alter the landlord's obligations under this chapter. [1973 1st ex.s. c 207 § 10.]

59.18.110 FAILURE OF LANDLORD TO CARRY OUT DUTIES--DETERMINATION BY COURT OR ARBITRATOR--JUDGMENT AGAINST LANDLORD FOR DIMINISHED RENTAL VALUE AND REPAIR COSTS--ENFORCEMENT OF JUDGMENT--REDUCTION IN RENT UNDER CERTAIN CONDITIONS. (1) If a court or an arbitrator determines that:

(a) A landlord has failed to carry out a duty or duties imposed by RCW 59.18.060; and

(b) A reasonable time has passed for the landlord to remedy the defective condition following notice to the landlord in accordance with RCW 59.18.070 or such other time as may be allotted by the court or arbitrator; the court or arbitrator may determine the diminution in rental value of the premises due to the defective condition and shall render judgment against the landlord for the rent paid in excess of such diminished rental value from the time of notice of such defect to the time of decision and any costs of repair done pursuant to RCW 59.18.100 for which no deduction has been previously made. Such decisions may be enforced as other judgments at law and shall be available to the tenant as a set-off against any existing or subsequent claims of the landlord.

The court or arbitrator may also authorize the tenant to make or contract to make further corrective repairs: PROVIDED, That the court specifies a time period in which the landlord may make such repairs before the tenant may commence or contract for such repairs.

(2) The tenant shall not be obligated to pay rent in excess of the diminished rental value of the premises until such defect or defects are corrected by the landlord or until the court or arbitrator determines otherwise. [1973 1st ex.s. c 207 § 11.]

59.18.120 DEFECTIVE CONDITION--UNFEASIBLE TO REMEDY DEFECT--TERMINATION OF TENANCY. If a court or arbitrator determines a defective condition as described in RCW 59.18.060 to be so substantial that it is unfeasible for the landlord to remedy the defect within the time allotted by RCW 59.18.070, and that the tenant should not remain in the dwelling unit in its defective condition, the court or arbitrator may authorize the termination of the tenancy: PROVIDED, That the court or arbitrator shall set a reasonable time for the tenant to vacate the premises.

[1973 1st ex.s. c 207 § 12.]

59.18.130 DUTIES OF TENANT. Each tenant shall pay the rental amount at such times and in such amounts as provided for in the rental agreement or as otherwise provided by law and comply with all obligations imposed upon tenants by applicable provisions of all municipal, county, and state codes, statutes, ordinances, and regulations, and in addition shall:

(1) Keep that part of the premises which he occupies and uses as clean and sanitary as the conditions of the premises permit;

(2) Properly dispose from his dwelling unit all rubbish, garbage, and other organic or flammable waste, in a clean and sanitary manner at reasonable and regular intervals, and assume all costs of extermination and fumigation for infestation caused by the tenant;

(3) Properly use and operate all electrical, gas, heating, plumbing and other fixtures and appliances supplied by the landlord;

(4) Not intentionally or negligently destroy, deface, damage, impair, or remove any part of the structure or dwelling, with the appurtenances thereto, including the facilities, equipment, furniture, furnishings, and appliances, or permit any member of his family, invitee, licensee, or any person acting under his control to do so;

(5) Not permit a nuisance or common waste; and

(6) Upon termination and vacation, restore the premises to their initial condition except for reasonable wear and tear or conditions caused by failure of the landlord to comply with his obligations under this chapter: PROVIDED, That the tenant shall not be charged for normal cleaning if he has paid a nonrefundable cleaning fee. [1973 1st ex.s. c 207 § 13.]

59.18.140 REASONABLE OBLIGATIONS OR RESTRICTIONS--TENANT'S DUTY TO CONFORM. The tenant shall conform to all reasonable obligations or restrictions, whether denominated by the landlord as rules, rental agreement, rent, or otherwise, concerning the use, occupation, and maintenance of his dwelling unit, appurtenances thereto, and the property of which the dwelling unit is a part if such obligations and restrictions are not in violation of any of the terms of this chapter and are not otherwise contrary to law, and if such obligations and restrictions are brought to the attention of the tenant at the time of his initial occupancy of the dwelling unit and thus become part of the rental agreement. Except for termination of tenancy, after thirty days written notice to each tenant, a new rule of tenancy may become effective upon completion of the term of the rental agreement or sooner upon mutual consent. [1973 1st ex.s. c 207 § 14.]

59.18.150 LANDLORD'S RIGHT OF ENTRY--PURPOSES--CONDITIONS. (1) The tenant shall not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises, make necessary or agreed repairs, alterations, or improvements, supply necessary or agreed services, or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workmen, or contractors.

(2) The landlord may enter the dwelling unit without consent of the tenant in case of emergency or abandonment.

(3) The landlord shall not abuse the right of access or use it to harass the tenant. Except in the case of emergency or if it is impracticable to do so, the landlord shall give the tenant at least two days' notice of his intent to enter and shall enter only at reasonable times.

(4) The landlord has no other right of access except by court order, arbitrator or by consent of the tenant. [1973 1st ex.s. c 207 § 15.]

59.18.160 LANDLORD'S REMEDIES IF TENANT FAILS TO REMEDY DEFECTIVE CONDITION. If, after receipt of written notice, as provided in RCW 59.18.170, the tenant fails to remedy the defective condition within a reasonable time, the landlord may:

(1) Bring an action in an appropriate court, or at arbitration if so agreed for any remedy provided under this chapter or otherwise provided by law; or

(2) Pursue other remedies available under this chapter. [1973 1st ex.s. c 207 § 16.]

59.18.170 LANDLORD TO GIVE NOTICE IF TENANT FAILS TO CARRY OUT DUTIES. If at any time during the tenancy the tenant fails to carry out the duties required by RCW 59.18.130 or 59.18.140, the landlord may, in addition to pursuit of remedies otherwise provided by law, give written notice to the tenant of said failure, which notice shall specify the nature of the failure. [1973 1st ex.s. c 207 § 17.]

59.18.180 TENANT'S FAILURE TO COMPLY WITH STATUTORY DUTIES--LANDLORD TO GIVE TENANT WRITTEN NOTICE OF NONCOMPLIANCE--LANDLORD'S REMEDIES. If the tenant fails to comply with any portion of RCW 59.18.130 or 59.18.140, and such noncompliance can substantially affect the health and safety of the tenant or other tenants, or substantially increase the hazards of fire or accident that can be remedied by repair, replacement of a damaged item, or cleaning, the tenant shall comply within thirty days after written notice by the landlord specifying the noncompliance, or, in the case of emergency as promptly as conditions require. If the tenant fails to

remedy the noncompliance within that period the landlord may enter the dwelling unit and cause the work to be done and submit an itemized bill of the actual and reasonable cost of repair, to be payable on the next date when periodic rent is due, or on terms mutually agreed to by the landlord and tenant, or immediately if the rental agreement has terminated. Any substantial noncompliance by the tenant of RCW 59.18.130 or 59.18.140 shall constitute a ground for commencing an action in unlawful detainer in accordance with the provisions of chapter 59.12 RCW, and a landlord may commence such action at any time after written notice pursuant to such chapter. The tenant shall have a defense to an unlawful detainer action filed solely on this ground if it is determined at the hearing authorized under the provisions of chapter 59.12 RCW that the tenant is in substantial compliance with the provisions of this section, or if the tenant remedies the noncomplying condition within the thirty day period provided for above or any shorter period determined at the hearing to have been required because of an emergency: PROVIDED, That if the defective condition is remedied after the commencement of an unlawful detainer action, the tenant may be liable to the landlord for statutory costs and reasonable attorney's fees. [1973 1st ex.s. c 207 § 18.]

59.18.190 NOTICE TO TENANT TO REMEDY NONCONFORMANCE. Whenever the landlord learns of a breach of RCW 59.18.130, he may immediately give notice to the tenant to remedy the nonconformance. Said notice shall expire after sixty days unless the landlord pursues any remedy under this chapter. [1973 1st ex.s. c 207 § 19.]

59.18.200 TENANCY FROM MONTH TO MONTH OR FOR RENTAL PERIOD--TERMINATION. When premises are rented for an indefinite time, with monthly or other periodic rent reserved, such tenancy shall be construed to be a tenancy from month to month, or from period to period on which rent is payable, and shall be terminated by written notice of twenty days or more, preceding the end of any of said months or periods, given by either party to the other. [1973 1st ex.s. c 207 § 20.]

59.18.210 TENANCIES FROM YEAR TO YEAR EXCEPT UNDER WRITTEN CONTRACT. Tenancies from year to year are hereby abolished except when the same are created by express written contract. Leases may be in writing or print, or partly in writing and partly in print, and shall be legal and valid for any term or period not exceeding one year, without acknowledgment, witnesses or seals. [1973 1st ex.s. c 207 § 21.]

59.18.220 TERMINATION OF TENANCY FOR A SPECIFIED TIME. In all cases where premises are rented for a specified time, by express or implied contract, the tenancy shall be deemed terminated at the end of such specified time. [1973 1st ex.s. c 207 § 22.]

59.18.230 WAIVER OF CHAPTER PROVISIONS PROHIBITED--PROVISIONS PROHIBITED FROM RENTAL AGREEMENT--DISTRESS FOR RENT ABOLISHED--DETENTION OF PERSONAL PROPERTY FOR RENT PROHIBITED--REMEDIES. (1) Any provision of a lease or other agreement, whether oral or written, whereby any section or subsection of this chapter is waived except as provided in RCW 59.18.360 and shall be deemed against public policy and shall be unenforceable. Such unenforceability shall not affect other provisions of the agreement which can be given effect without them.

(2) No rental agreement may provide that the tenant:

(a) Agrees to waive or to forego rights or remedies under this chapter; or

(b) Authorizes any person to confess judgment on a claim arising out of the rental agreement; or

(c) Agrees to pay the landlord's attorney's fees, except as authorized in this chapter; or

(d) Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith; or

(e) And landlord have agreed to a particular arbitrator at the time the rental agreement is entered into.

(3) A provision prohibited by subsection (2) of this section included in a rental agreement is unenforceable. If a landlord deliberately uses a rental agreement containing provisions known by him to be prohibited, the tenant may recover actual damages sustained by him and reasonable attorney's fees.

(4) The common law right of the landlord of distress for rent is hereby abolished for property covered by this chapter. Any provision in a rental agreement creating a lien upon the personal property of the tenant or authorizing a distress for rent is null and void and of no force and effect. Any landlord who takes or detains the personal property of a tenant, unless the property has been abandoned as described in RCW 59.12.310 shall be liable to the tenant for the value of the property retained, and the prevailing party may recover his costs of suit and a reasonable attorney's fee.

In any action, including actions pursuant to chapters 7.64 or 12.28 RCW, brought by a tenant or other person to recover possession of his personal property taken or detained by a landlord in violation of this section, the court, upon motion and after notice to the opposing parties, may waive or reduce any bond requirements

where it appears to be to the satisfaction of the court that the moving party is proceeding in good faith and has, prima facie, a meritorious claim for immediate delivery or redelivery of said property. [1973 1st ex.s. c 207 § 23.]

59.18.240 REPRISALS OR RETALIATORY ACTIONS BY LANDLORD--PROHIBITED. So long as the tenant is in compliance with this chapter, the landlord shall not take or threaten to take reprisals or retaliatory action against the tenant because of any good faith and lawful:

(1) Complaints or reports by the tenant to a governmental authority concerning the failure of the landlord to substantially comply with any code, statute, ordinance, or regulation governing the maintenance or operation of the premises;

(2) Assertions or enforcement by the tenant of his rights and remedies under this chapter.

"Reprisal or retaliatory action" shall mean and include but not be limited to any of the following actions by the landlord when such actions are intended primarily to retaliate against a tenant because of the tenant's good faith and lawful act:

(1) Eviction of the tenant;

(2) Increasing the rent required of the tenant;

(3) Reduction of services to the tenant;

(4) Increasing the obligations of the tenant. [1973 1st ex.s. c 207 § 24.]

59.18.250 REPRISALS OR RETALIATORY ACTIONS BY LANDLORD--PRESUMPTIONS--REBUT-TAL--COSTS. Initiation by the landlord of any action listed in RCW 59.18.240 within ninety days after a good faith and lawful act by the tenant as enumerated in RCW 59.18.240, or within ninety days after any inspection or proceeding of a governmental agency resulting from such act, shall create a rebuttable presumption affecting the burden of proof, that the action is a reprisal or retaliatory action against the tenant: PROVIDED, That no presumption against the landlord shall arise under this section, with respect to an increase in rent, if the landlord, in a notice to the tenant of increase in rent, specifies reasonable grounds for said increase, which grounds may include a substantial increase in market value due to remedial action under this chapter: PROVIDED FURTHER, That the presumption of retaliation, with respect to an eviction, may be rebutted by evidence that it is not practical to make necessary repairs while the tenant remains in occupancy. In any action or eviction proceeding where the tenant prevails upon his claim or defense that the landlord has violated this section, the tenant shall be entitled to recover his costs of suit or arbitration, including a reasonable attorney's fee, and where the landlord prevails upon his claim

he shall be entitled to recover his costs of suit or arbitration, including a reasonable attorney's fee: PROVIDED FURTHER, That neither party may recover attorney's fees to the extent that their legal services are provided at no cost to them. [1973 1st ex.s. c 207 § 25.]

59.18.260 MONEYS PAID AS DEPOSIT OR SECURITY FOR PERFORMANCE BY TENANT--RENTAL AGREEMENT TO SPECIFY TERMS AND CONDITIONS FOR RETENTION BY LANDLORD. If any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a lease or rental agreement, such lease or rental agreement shall include the terms and conditions under which the deposit or portion thereof may be withheld by the landlord upon termination of the lease or rental agreement. If all or part of the deposit may be withheld to indemnify the landlord for damages to the premises for which the tenant is responsible, or if all or part thereof may be retained by the landlord as a nonreturnable cleaning fee, the rental agreement shall so specify. No such deposit shall be withheld on account of normal wear and tear resulting from ordinary use of the premises. [1973 1st ex.s. c 207 § 26.]

59.18.270 MONEYS PAID AS DEPOSIT OR SECURITY FOR PERFORMANCE BY TENANT--DEPOSIT BY LANDLORD IN TRUST ACCOUNT--RECEIPT--CLAIMS. All moneys paid to the landlord by the tenant as a deposit as security for performance of the tenant's obligations in a lease or rental agreement shall promptly be deposited by the landlord in a trust account in a bank, savings and loan association, mutual savings bank, or licensed escrow agent located in Washington. The landlord shall provide the tenant with a written receipt for the deposit and shall provide written notice of the name and address and location of the depository and any subsequent change thereof. The tenant's claim to any moneys paid under this section shall be prior to that of any creditor of the landlord, including a trustee in bankruptcy or receiver, even if such moneys are commingled. [1973 1st ex.s. c 207 § 27.]

59.18.280 MONEYS PAID AS DEPOSIT OR SECURITY FOR PERFORMANCE BY TENANT--STATEMENT AND NOTICE OF BASIS FOR RETENTION--COSTS. Within fourteen days after the termination of the rental agreement and vacation of the premises the landlord shall give a full and specific statement of the basis for retaining any of the deposit together with the payment of any refund due the tenant under the terms and conditions of the rental agreement. No portion of any deposit shall be withheld on account of wear resulting from ordinary use of the premises.

The notice shall be delivered to the tenant personally or by mail to his last known address. If the landlord fails to give such statement together with any refund due the tenant within the time limits specified above he shall be liable to the tenant for the amount of refund due. In any action brought by the tenant to recover the deposit, the prevailing party shall additionally be entitled to the cost of suit or arbitration including a reasonable attorney's fee.

Nothing in this chapter shall preclude the landlord from proceeding against, and the landlord shall have the right to proceed against a tenant to recover sums exceeding the amount of the tenant's damage or security deposit for damage to the property for which the tenant is responsible together with reasonable attorney's fees. [1973 1st ex.s. c 207 § 28.]

59.18.290 REMOVAL OR EXCLUSION OF TENANT FROM PREMISES—HOLDING OVER OR EXCLUDING LANDLORD FROM PREMISES AFTER TERMINATION DATE. (1) It shall be unlawful for the landlord to remove or exclude from the premises the tenant thereof except under a court order so authorizing. Any tenant so removed or excluded in violation of this section may recover possession of the property or terminate the rental agreement and, in either case, may recover the actual damages sustained. The prevailing party may recover the costs of suit or arbitration and reasonable attorney's fees.

(2) It shall be unlawful for the tenant to hold over in the premises or exclude the landlord therefrom after the termination of the rental agreement except under a valid court order so authorizing. Any landlord so deprived of possession of premises in violation of this section may recover possession of the property and damages sustained by him, and the prevailing party may recover his costs of suit or arbitration and reasonable attorney's fees. [1973 1st ex.s. c 207 § 29.]

59.18.300 TERMINATION OF TENANT'S UTILITY SERVICES—TENANT CAUSING LOSS OF LANDLORD PROVIDED UTILITY SERVICES. It shall be unlawful for a landlord to intentionally cause termination of any of his tenant's utility services, including water, heat, electricity, or gas, except for an interruption of utility services for a reasonable time in order to make necessary repairs. Any landlord who violates this section may be liable to such tenant for his actual damages sustained by him, and up to one hundred dollars for each day or part thereof the tenant is thereby deprived of any utility service, and the prevailing party may recover his costs of suit or arbitration and a reasonable attorney's fee. It shall be unlawful for a tenant to intentionally cause the

loss of utility services provided by the landlord, including water, heat, electricity or gas, excepting as resulting from the normal occupancy of the premises. [1973 1st ex.s. c 207 § 30.]

59.18.310 DEFAULT IN RENT—ABANDONMENT—LIABILITY OF TENANT—LANDLORD'S REMEDIES. If the tenant defaults in the payment of rent and reasonably indicates by words or actions his intention not to resume tenancy, he shall be liable for the following for such abandonment: PROVIDED, That upon learning of such abandonment of the premises the landlord shall make a reasonable effort to mitigate the damages resulting from such abandonment:

(1) When the tenancy is month-to-month, the tenant shall be liable for the rent for the thirty days following either the date the landlord learns of the abandonment, or the date the next regular rental payment would have become due, whichever first occurs.

(2) When the tenancy is for a term greater than month-to-month, the tenant shall be liable for the lesser of the following:

(a) The entire rent due for the remainder of the term; or

(b) All rent accrued during the period reasonably necessary to rerent the premises at a fair rental, plus the difference between such fair rental and the rent agreed to in the prior agreement.

In the event of such abandonment of tenancy and an accompanying default in the payment of rent by the tenant, the landlord may immediately enter and take possession of any property of the tenant found on the premises and may store the same in a secure place. A notice containing the name and address of landlord and the place where the property is stored must be mailed promptly by the landlord to the last known address of the tenant. After sixty days from the date of default in rent, and after prior notice of such sale is mailed to the last known address of the tenant, the landlord may sell such property and may apply any income derived therefrom against moneys due the landlord, including drayage and storage. Any excess income derived from the sale of such property shall be held by the landlord for the benefit of the tenant for a period of one year from the date of sale, and if no claim is made or action commenced by the tenant for the recovery thereof prior to the expiration of that period of time, the balance shall be the property of the landlord. [1973 1st ex.s. c 207 § 31.]

59.18.320 ARBITRATION—AUTHORIZED—EXCEPTIONS—NOTICE—PROCEDURE. (1) The landlord and tenant may agree, in writing, except as provided in RCW 59.18.230 (2) (e), to submit to arbitration, in conformity with the provisions of this section,

any controversy arising under the provisions of this chapter, except the following:

(a) Controversies regarding the existence of defects covered in subsections (1) and (2) of RCW 59.18.070: PROVIDED, That this exception shall apply only before the implementation of any remedy by the tenant;

(b) Any situation where court action has been started by either landlord or tenant to enforce rights under this chapter; when the court action substantially affects the controversy, including but not limited to:

(i) Court action pursuant to subsections (2) and (3) of RCW 59.18.090 and subsections (1) and (2) of RCW 59.18.160; and

(ii) Any unlawful detainer action filed by the landlord pursuant to chapter 59.12 RCW.

(2) The party initiating arbitration under subsection (1) of this section shall give reasonable notice to the other party or parties.

(3) Except as otherwise provided in this section, the arbitration process shall be administered by any arbitrator agreed upon by the parties at the time the dispute arises: PROVIDED, That the procedures shall comply with the requirements of chapter 7.04 RCW (relating to arbitration) and of this chapter. [1973 1st ex.s. c 207 § 32.]

59.18.330 ARBITRATION--APPLICATION--HEARINGS--DECISIONS. (1) Unless otherwise mutually agreed to, in the event a controversy arises under RCW 59.18.320 the landlord or tenant, or both, shall complete an application for arbitration and deliver it to the selected arbitrator.

(2) The arbitrator so designated shall schedule a hearing to be held no later than ten days following receipt of notice of the controversy, except as provided in RCW 59.18.350.

(3) The arbitrator shall conduct public or private hearings. Reasonable notice of such hearings shall be given to the parties, who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. A recording of the proceedings may be taken. Any oral or documentary evidence and other data deemed relevant by the arbitrator may be received in evidence. The arbitrator shall have the power to administer oaths, to issue subpoenas, to require the attendance of witnesses and the production of such books, papers, contracts, agreements, and documents as may be deemed by the arbitrator material to a just determination of the issues in dispute. If any person refuses to obey such subpoena or refuses to be sworn to testify, or any witness, party, or attorney is guilty of any

contempt while in attendance at any hearing held hereunder, the arbitrator may invoke the jurisdiction of any superior court, and such court shall have jurisdiction to issue an appropriate order. A failure to obey such order may be punished by the court as a contempt thereof.

(4) Within five days after conclusion of the hearing, the arbitrator shall make a written decision upon the issues presented, a copy of which shall be mailed by certified mail or otherwise delivered to the parties or their designated representatives. The determination of the dispute made by the arbitrator shall be final and binding upon both parties.

(5) If a defective condition exists which affects more than one dwelling unit in a similar manner, the arbitrator may consolidate the issues of fact common to those dwelling units in a single proceeding.

(6) Decisions of the arbitrator shall be enforced or appealed according to the provisions of chapter 7.04 RCW. [1973 1st ex.s. c 207 § 33.]

59.18.340 ARBITRATION--FEE. The administrative fee for this arbitration procedure shall be seventy dollars, and, unless otherwise allocated by the arbitrator, shall be shared equally by the parties: PROVIDED, That upon either party signing an affidavit to the effect that he is unable to pay his share of the fee, that portion of the fee may be waived or deferred. [1973 1st ex.s. c 207 § 34.]

59.18.350 ARBITRATION--COMPLETION OF ARBITRATION AFTER GIVING NOTICE. When a party gives notice pursuant to subsection (2) of RCW 59.18.320, he must, at the same time, arrange for arbitration of the grievance in the manner provided for in this chapter. The arbitration shall be completed before the rental due date next occurring after the giving of notice pursuant to RCW 59.18.320: PROVIDED, That in no event shall the arbitrator have less than ten days to complete the arbitration process. [1973 1st ex.s. c 207 § 35.]

59.18.360 EXEMPTIONS. A landlord and tenant may agree, in writing, to exempt themselves from the provisions of RCW 59.18.060, 59.18.100, 59.18.110, 59.18.120, 59.18.130, and 59.18.190 if the following conditions have been met:

(1) The agreement may not appear in a standard form lease or rental agreement;

(2) There is no substantial inequality in the bargaining position of the two parties;

(3) The exemption does not violate the public policy of this state in favor of the ensuring safe, and sanitary housing; and

(4) Either the local county prosecutor's office or the consumer protection

division of the attorney general's office or the attorney for the tenant has approved in writing the application for exemption as complying with subsections (1) through (3) of this section. [1973 1st ex.s. c 207 § 36.]

59.18.370 FORCIBLE ENTRY OR DETAINER OR UNLAWFUL DETAINER ACTIONS--WRIT OF RESTITUTION--APPLICATION--ORDER--HEARING.

The plaintiff, at the time of commencing an action of forcible entry or detainer or unlawful detainer, or at any time afterwards, upon filing the complaint, may apply to the superior court in which the action is pending for an order directing the defendant to appear and show cause, if any he has, why a writ of restitution should not issue restoring to the plaintiff possession of the property in the complaint described, and the judge shall by order fix a time and place for a hearing of said motion, which shall not be less than six nor more than twelve days from the date of service of said order upon defendant. A copy of said order, together with a copy of the summons and complaint if not previously served upon the defendant, shall be served upon the defendant. Said order shall notify the defendant that if he fails to appear and show cause at the time and place specified by the order the court may order the sheriff to restore possession of the property to the plaintiff and may grant such other relief as may be prayed for in the complaint and provided by this chapter. [1973 1st ex.s. c 207 § 38.]

59.18.380 FORCIBLE ENTRY OR DETAINER OR UNLAWFUL DETAINER ACTIONS--WRIT OF RESTITUTION--ANSWER--ORDER--STAY--BOND.

At the time and place fixed for the hearing of plaintiff's motion for a writ of restitution, the defendant, or any person in possession or claiming possession of the property, may answer, orally or in writing, and assert any legal or equitable defense or set-off arising out of the tenancy. If the answer is oral the substance thereof shall be endorsed on the complaint by the court. The court shall examine the parties and witnesses orally to ascertain the merits of the complaint and answer, and if it shall appear that the plaintiff has the right to be restored to possession of the property, the court shall enter an order directing the issuance of a writ of restitution, returnable ten days after its date, restoring to the plaintiff possession of the property and if it shall appear to the court that there is no substantial issue of material fact of the right of the plaintiff to be granted other relief as prayed for in the complaint and provided for in this chapter, the court may enter an order and judgment granting so much of such relief as may be sustained by the proof, and the court may grant such other relief as may

be prayed for in the plaintiff's complaint and provided for in this chapter, then the court shall enter an order denying any relief sought by the plaintiff for which the court has determined that the plaintiff has no right as a matter of law: PROVIDED, That within three days after the service of the writ of restitution the defendant, or person in possession of the property, may, in any action for the recovery of possession of the property for failure to pay rent, stay the execution of the writ pending final judgment by paying into court or to the plaintiff, as the court directs, all rent found to be due and all the costs of the action, and in addition by paying, on a monthly basis pending final judgment, an amount equal to the monthly rent called for by the lease or rental agreement at the time the complaint was filed: PROVIDED FURTHER, That before any writ shall issue prior to final judgment the plaintiff shall execute to the defendant and file in the court a bond in such sum as the court may order, with sufficient surety to be approved by the clerk, conditioned that the plaintiff will prosecute his action without delay, and will pay all costs that may be adjudged to the defendant, and all damages which he may sustain by reason of the writ of restitution having been issued, should the same be wrongfully sued out. The court shall also enter an order directing the parties to proceed to trial on the complaint and answer in the usual manner.

If it appears to the court that the plaintiff should not be restored to possession of the property, the court shall deny plaintiff's motion for a writ of restitution and enter an order directing the parties to proceed to trial within thirty days on the complaint and answer. If it appears to the court that there is a substantial issue of material fact as to whether or not the plaintiff is entitled to other relief as is prayed for in plaintiff's complaint and provided for in this chapter, or that there is a genuine issue of a material fact pertaining to a legal or equitable defense or set-off raised in the defendant's answer, the court shall grant or deny so much of plaintiff's other relief sought and so much of defendant's defenses or set-off claimed, as may be proper. [1973 1st ex.s. c 207 § 39.]

59.18.390 FORCIBLE ENTRY OR DETAINER OR UNLAWFUL DETAINER ACTIONS--WRIT OF RESTITUTION--SERVICE--DEFENDANT'S BOND.

The sheriff shall, upon receiving the writ of restitution, forthwith serve a copy thereof upon the defendant, his agent, or attorney, or a person in possession of the premises, and shall not execute the same for three days thereafter, and the defendant, or person in possession of the premises within three days after the service of the writ of restitution may execute to the plaintiff a bond to be

filed with and approved by the clerk of the court in such sum as may be fixed by the judge, with sufficient surety to be approved by the clerk of said court, conditioned that they will pay to the plaintiff such sum as the plaintiff may recover for the use and occupation of the said premises, or any rent found due, together with all damages the plaintiff may sustain by reason of the defendant occupying or keeping possession of said premises, together with all damages which the court theretofore has awarded to the plaintiff as provided in this chapter, and also all the costs of the action. The plaintiff, his agent or attorneys, shall have notice of the time and place where the court or judge thereof shall fix the amount of the defendant's bond, and shall have notice and a reasonable opportunity to examine into the qualification and sufficiency of the sureties upon said bond before said bond shall be approved by the clerk. The writ may be served by the sheriff, in the event he shall be unable to find the defendant, an agent or attorney, or a person in possession of the premises, by affixing a copy of said writ in a conspicuous place upon the premises. [1973 1st ex.s. c 207 § 40.]

59.18.400 FORCIBLE ENTRY OR DETAINER OR UNLAWFUL DETAINER ACTIONS—WRIT OF RESTITUTION—ANSWER OF DEFENDANT. On or before the day fixed for his appearance the defendant may appear and answer. The defendant in his answer may assert any legal or equitable defense or set-off arising out of the tenancy. [1973 1st ex.s. c 207 § 41.]

59.18.410 FORCIBLE ENTRY OR DETAINER OR UNLAWFUL DETAINER ACTIONS—WRIT OF RESTITUTION—JUDGMENT—EXECUTION. If upon the trial the verdict of the jury or, if the case be tried without a jury, the finding of the court be in favor of the plaintiff and against the defendant, judgment shall be entered for the restitution of the premises; and if the proceeding be for unlawful detainer after neglect or failure to perform any condition or covenant of a lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of the lease, agreement or tenancy. The jury, or the court, if the proceedings be tried without a jury, shall also assess the damages arising out of the tenancy occasioned to the plaintiff by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved on the trial, and, if the alleged unlawful detainer be after default in the payment of rent, find the amount of any rent due, and the judgment shall be rendered against the defendant guilty of the forcible entry,

forcible detainer or unlawful detainer for the amount of damages thus assessed and for the rent, if any, found due, and the court may award statutory costs and reasonable attorney's fees. When the proceeding is for an unlawful detainer after default in the payment of rent, and the lease or agreement under which the rent is payable has not by its terms expired, execution upon the judgment shall not be issued until the expiration of five days after the entry of the judgment, within which time the tenant or any subtenant, or any mortgagee of the term, or other party interested in the continuance of the tenancy, may pay into court for the landlord the amount of the judgment and costs, and thereupon the judgment shall be satisfied and the tenant restored to his tenancy; but if payment, as herein provided, be not made within five days the judgment may be enforced for its full amount and for the possession of the premises. In all other cases the judgment may be enforced immediately. If writ of restitution shall have been executed prior to judgment no further writ or execution for the premises shall be required. [1973 1st ex.s. c 207 § 42.]

59.18.420 RCW 59.12.090, 59.12.100, 59.12.121 AND 59.12.170 INAPPLICABLE. The provisions of RCW 59.12.090, 59.12.100, 59.12.121, and 59.12.170 shall not apply to any rental agreement included under the provisions of chapter 59.18 RCW. [1973 1st ex.s. c 207 § 44.]

59.18.900 SEVERABILITY—1973 1ST EX.S. C 207. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the act, or its application to other persons or circumstances, is not affected. [1973 1st ex.s. c 207 § 37.]

TITLE 60 LIENS

Sections added, amended, or repealed:

Chapter 60.04 Mechanics' and Materialmen's Liens.

- 60.04.200 Interim or construction financing—Definitions.
- 60.04.210 Interim or construction financing—Notice of lien—Duty of lender to withhold from disbursements—Liabilities of lender and lien claimant.
- 60.04.220 Interim or construction financing—Priorities.

Chapter 60.28 Lien for Labor, Materials, Taxes on Public Works.

60.28.080 Delay due to litigation—Change order or force account directive—Costs—Arbitration—Termination.

Chapter 60.04
MECHANICS' AND MATERIALMEN'S LIENS

60.04.200 INTERIM OR CONSTRUCTION FINANCING—DEFINITIONS. As used in this chapter, the following meanings shall apply:

(1) "Lender" means any person or entity regularly providing interim or construction financing.

(2) "Interim or construction financing" means that portion of money secured by mortgage, deed of trust, or other encumbrance to finance construction of improvements on, or development of, real property, but does not include:

(a) Funds to acquire real property;

(b) Funds to pay interest, insurance premiums, lease deposits, taxes, assessments, or prior encumbrances;

(c) Funds to pay loan, commitment, title, legal, closing, recording or appraisal fees;

(d) Funds to pay other customary fees; which pursuant to agreement with the owner or borrower are to be paid by the lender from time to time;

(e) Funds to acquire personal property for which the potential lien claimant may not claim a lien pursuant to chapter 60.04 RCW.

(3) "Owner" means the record holder of the legal or beneficial title to the real property to be improved or developed.

(4) "Potential lien claimant" means any person or entity entitled to assert lien rights pursuant to this chapter and has otherwise complied with the provisions of this chapter and the requirements of chapter 18.27 RCW if required by the provisions thereof.

(5) "Draws" means periodic disbursements of interim or construction financing by a lender. [1973 1st ex.s. c 47 § 1.]

Severability—1973 1st ex.s. c 47: "If any provision of this 1973 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." [1973 1st ex.s. c 47 § 4.] This applies to RCW 60.04.200-60.04.220.

60.04.210 INTERIM OR CONSTRUCTION FINANCING—NOTICE OF LIEN—DUTY OF LENDER TO WITHHOLD FROM DISBURSEMENTS—LIABILITIES OF LENDER AND LIEN CLAIMANT. Any lender providing interim or construction financing where there is not a payment bond of at least fifty percent of the amount of construction financing shall observe the following procedures:

(1) Draws against construction financing shall be made only after certification of job progress by the general contractor and the owner or his agent in such form as may be prescribed by the lender.

(2) Any potential lien claimant who has not received a payment within twenty days after the date required by his contract or purchase order may within twenty days thereafter file a notice as provided herein of the sums due and to become due, for which a potential lien claimant may claim a lien under chapter 60.04 RCW.

(3) The notice must be filed in writing with the lender at the office administering the interim or construction financing, with a copy furnished to the owner and appropriate general contractor. The notice shall state in substance and effect that such person, firm or corporation has furnished labor, materials and supplies, or supplied equipment for which right of lien is given by this chapter, with the name of the general contractor, agent or person ordering the same, a common or street address of the real property being improved or developed, or if there be none the legal description of said real property, description of the labor, or material furnished, or equipment leased, the name, business address and telephone number of said lien claimant which notice shall be given by mailing the same by registered or certified mail, return receipt requested.

(4) After the receipt of such notice, the lender shall withhold from the next and subsequent draws such percentage thereof as is equal to that percentage of completion as certified in subsection (1) of this section, which is attributable to the potential lien claimant as of the date of the certification of job progress for the draw in question less contracted retainage. The percentage of completion attributable to the lien claimant shall be calculated from said certification of job progress, and shall be reduced to reflect any sums paid to or withheld for the potential lien claimant. Alternatively, the lender may obtain from the general contractor or borrower a payment bond for the benefit of the potential lien claimant in such sum.

(5) Sums so withheld shall not be disbursed by the lender except by the written agreement of the potential lien claimant, owner and general contractor in such form as may be prescribed by the lender, or the order of a court of competent jurisdiction.

(6) In the event a lender fails to abide by the provisions of subsections (4) or (5) of this section, then the mortgage, deed of trust or other encumbrance securing the lender will be subordinated to the lien of the potential lien claimant to the extent of the interim or construction financing wrongfully disbursed, but in no event in an amount greater than the sums ultimately determined to be due the potential lien claimant by a court of competent

jurisdiction, or more than the sum stated in the notice, whichever is less.

(7) Any potential lien claimant shall be liable for any loss, cost or expense, including reasonable attorney fees, to the party injured thereby arising out of any unjust, excessive or premature notice of claim. [1973 1st ex.s. c 47 § 2.]

60.04.220 INTERIM OR CONSTRUCTION FINANCING—PRIORITIES. Except as provided in RCW 60.04.050 or in RCW 60.04.200 through 60.04.220 any mortgage or deed of trust shall be prior to all liens, mortgages, deeds of trust and other encumbrances which have not been recorded prior to the recording of such mortgage or deed of trust to the extent of all sums secured by such mortgage or deed of trust regardless of when the same are disbursed or whether such disbursements are obligatory. [1973 1st ex.s. c 47 § 3.]

Chapter 60.28

LIEN FOR LABOR, MATERIALS, TAXES ON PUBLIC WORKS

60.28.080 DELAY DUE TO LITIGATION—CHANGE ORDER OR FORCE ACCOUNT DIRECTIVE—COSTS—ARBITRATION—TERMINATION. (1) If any delay in issuance of notice to proceed or in construction following an award of any public construction contract is primarily caused by acts or omissions of persons or agencies other than the contractor and a preliminary, special or permanent restraining order of a court of competent jurisdiction is issued pursuant to litigation and the appropriate public contracting body does not elect to delete the completion of the contract or order funds reserved paid to the contractor as provided by RCW 60.28.010 (3) and 60.28.070 respectively, the appropriate contracting body will issue a change order or force account directive to cover reasonable costs incurred by the contractor as a result of such delay. These costs shall include but not be limited to contractor's costs for wages, labor costs other than wages, wage taxes, materials, equipment rentals, insurance, bonds, professional fees, and subcontracts, attributable to such delay plus a reasonable sum for overhead and profit.

In the event of a dispute between the contracting body and the contractor, arbitration procedures may be commenced under the applicable terms of the construction contract, or, if the contract contains no such provision for arbitration, under the then obtaining rules of the American Arbitration Association.

If the delay caused by litigation exceeds six months, the contractor may then elect to terminate the contract and to delete the completion of the contract and receive payment in proportion to the amount of the work completed plus the cost

of the delay. Amounts retained and accumulated under RCW 60.28.010 shall be held for a period of thirty days following the election of the contractor to terminate. Election not to terminate the contract by the contractor shall not affect the accumulation of costs incurred as a result of the delay provided above.

(2) This section shall not apply to any contract awarded pursuant to an invitation for bid issued on or before July 16, 1973. [1973 1st ex.s. c 62 § 3.]

Severability—1973 1st ex.s. c 62: See note following RCW 39.04.120.

Cross Reference:

Pollution and preservation of natural resources laws to be included in bid invitations, change orders, costs: RCW 39.04.120.

TITLE 62A UNIFORM COMMERCIAL CODE

Sections added, amended, or repealed:

Article 62A.8 Investment Securities.

Part I SHORT TITLE AND GENERAL MATTERS

62A.8-102 Definitions and index of definitions.

Article 8 INVESTMENT SECURITIES

Part I SHORT TITLE AND GENERAL MATTERS

62A.8-102 DEFINITIONS AND INDEX OF DEFINITIONS. (1) In this Article unless the context otherwise requires

(a) A "security" is an instrument which (i) is issued in bearer or registered form; and

(ii) is of a type commonly dealt in upon securities exchanges or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment; and

(iii) is either one of a class or series or by its terms is divisible into a class or series of instruments; and

(iv) evidences a share, participation or other interest in property or in an enterprise or evidences an obligation of the issuer.

(b) A writing which is a security is governed by this Article and not by Uniform Commercial Code—Commercial Paper even though it also meets the requirements of that Article. This Article does not apply to money.

(c) A security is in "registered form" when it specifies a person entitled to the security or to the rights it evidences and

when its transfer may be registered upon books maintained for that purpose by or on behalf of an issuer or the security so states.

(d) A security is in "bearer form" when it runs to bearer according to its terms and not by reason of any indorsement.

(2) A "subsequent purchaser" is a person who takes other than by original issue.

(3) A "clearing corporation"

(a) At least ninety percent of the capital stock of which is held by or for one or more persons (other than individuals), each of whom

(i) is subject to supervision or regulation pursuant to the provisions of federal or state banking laws or state insurance laws, or

(ii) is a broker or dealer or investment company registered under the Securities Exchange Act of 1934 or the Investment Company Act of 1940, or

(iii) is a national securities exchange or association registered under a statute of the United States such as the Securities Exchange Act of 1934; and none of whom, other than a national securities exchange or association, holds in excess of twenty percent of the capital stock of such corporation; and

(b) Any remaining capital stock of which is held by individuals who have purchased such capital stock at or prior to the time of their taking office as directors of such corporation and who have purchased only so much of such capital stock as may be necessary to permit them to qualify as such directors.

(4) A "custodian bank" is any bank or trust company which is supervised and examined by state or federal authority having supervision over banks and which is acting as custodian for a clearing corporation.

(5) Other definitions applying to this Article or to specified Parts thereof and the sections in which they appear are:

"Adverse claim". RCW 62A.8-301.

"Bona fide purchaser". RCW 62A.8-302.

"Broker". RCW 62A.8-303.

"Guarantee of the signature". RCW 62A.8-402.

"Intermediary bank". RCW 62A.4-105.

"Issuer". RCW 62A.8-201.

"Overissue". RCW 62A.8-104.

(6) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article. [1973 c 98 § 1; 1965 ex.s. c 157 § 8-102. Cf. former RCW 62.01.001; 1955 c 35 § 62.01.001; prior: 1899 c 149 § 1; RRS § 3392.]

TITLE 63
PERSONAL PROPERTY

Sections added, amended, or repealed:

Chapter 63.32 Unclaimed Property in Hands of City Police.

63.32.010 Sale authorized.

Chapter 63.36 Unclaimed Property in Hands of City or Town.

63.36.010 Publication and contents of notice of unclaimed personal property or moneys.

63.36.020 Sale authorized—Notice.

Chapter 63.40 Unclaimed Property in Hands of Sheriff.

63.40.010 Sale authorized—Exception—Time limitation before sale.

Chapter 63.32

UNCLAIMED PROPERTY IN HANDS OF CITY POLICE

63.32.010 SALE AUTHORIZED. Whenever any personal property shall come into the possession of the police authorities of any city in connection with the official performance of their duties and said personal property shall remain unclaimed or not taken away for a period of sixty days from date of written notice to the owner thereof, if known, and in all other cases for a period of sixty days from the time said property came into the possession of the police department, unless said property has been held as evidence in any court, then, in that event, after sixty days from date when said case has been finally disposed of and said property released as evidence by order of the court, said city may at any time thereafter sell said personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided. [1973 1st ex.s. c 44 § 1; 1939 c 148 § 1; 1925 ex.s. c 100 § 1; RRS § 8999-1.]

Chapter 63.36

UNCLAIMED PROPERTY IN HANDS OF CITY OR TOWN

63.36.010 PUBLICATION AND CONTENTS OF NOTICE OF UNCLAIMED PERSONAL PROPERTY OR MONEYS. Whenever any unclaimed personal property or moneys in the possession of the governing authority of any city or town, or department or agency thereof, have not been claimed for a period of sixty days or more from the date the property first came into such possession or from the date the moneys first became payable or returnable, the governing authority shall cause a notice to be published at least once a week for two successive weeks in a newspaper of general circulation in the county in which such city or town is located. The notice shall set forth the name, if known, and the last known address, if any, of each person appearing from the records of the governing authority to be the owner of any such unclaimed money or personal property; a

brief statement concerning the amount of money or a description of the personal property; and the name and address of the governing authority, department or agency possessing the money or personal property and the place where it may be claimed. [1973 1st ex.s. c 44 § 2; 1959 c 289 § 2.]

63.36.020 SALE AUTHORIZED--NOTICE. If the owner of, or other person having a claim to, any such personal property or money does not claim the property or money within ten days after the last date the notice was published, such governing authority shall cause any such personal property to be sold at public auction pursuant to a public notice published in a newspaper of general circulation within the city or town at least ten days prior thereto. The notice shall state the day, time, and place of sale and contain a description of the personal property to be sold. [1973 1st ex.s. c 44 § 3; 1959 c 289 § 3.]

Chapter 63.40
UNCLAIMED PROPERTY IN HANDS OF SHERIFF

63.40.010 SALE AUTHORIZED--EXCEPTION--TIME LIMITATION BEFORE SALE. Whenever any personal property, other than vehicles governed by chapter 46.52, shall come into the possession of the sheriff of any county in connection with the official performance of his duties and said personal property shall remain unclaimed or not taken away for a period of sixty days from date of written notice to the owner thereof, if known, and in all other cases for a period of sixty days from the time said property came into the possession of the sheriff's office, unless said property has been held as evidence in any court, then, in that event, after sixty days from date when said case has been finally disposed of and said property released as evidence by order of the court, said county sheriff may at any time thereafter sell said personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided. [1973 1st ex.s. c 44 § 4; 1961 c 104 § 1.]

TITLE 65
RECORDING, REGISTRATION, AND LEGAL PUBLICATION

Sections added, amended, or repealed:

Chapter 65.12 Registration of Land Titles. (Torrens Act)

- 65.12.235 Certificate of withdrawal.
- 65.12.660 Assurance fund.
- 65.12.790 Fees of registrar.

Chapter 65.16 Legal Publications.

65.16.090 Publication fees.

Chapter 65.12
REGISTRATION OF LAND TITLES
(TORRENS ACT)

65.12.235 CERTIFICATE OF WITHDRAWAL. Upon the filing of such application and the payment of a fee of five dollars, the registrar of titles, if it shall appear that the application is signed and acknowledged by all the registered owners of said land, shall issue to the [applicant] a certificate in substantially the following form:

This is to certify, That _____ the owner (or owners) in fee simple of the following described lands situated in the county of _____, state of Washington, the title to which has been heretofore registered under the laws of the state of Washington, to wit: (here insert description of the property), having heretofore filed his (or their) application for the withdrawal of the title to said lands from the registry system; NOW, THEREFORE, The title to said above described lands has been withdrawn from the effect and operation of the title registry system of the state of Washington and the owner (or owners) of said lands is (or are) by law authorized to contract concerning, convey, encumber or otherwise deal with the title to said lands in the same manner and to the same extent as though said title had never been registered.

Witness my hand and seal this ____ day of _____, 19__.

Register of Titles for _____ county.

[1973 c 121 § 1; 1917 c 62 § 4; RRS 10660.]

65.12.660 ASSURANCE FUND. Upon the original registration of land under this chapter, and also upon the entry of the certificate showing title as registered owners in heirs or devisees, there shall be paid to the registrar of titles, one-fortieth of one percent of the assessed value of the real estate on the basis of the last assessment for general taxation, as an assurance fund. [1973 1st ex.s. c 195 § 75; 1907 c 250 § 82; RRS § 10711.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

65.12.790 FEES OF REGISTRAR. The fees to be paid to the registrar of titles shall be as follows:

(1) At or before the time of filing of the certified copy of the application with the registrar, the applicant shall pay, to the registrar, on all land having an assessed value, exclusive of improvements, of one thousand dollars or less, thirty-one and one-quarter cents on each one thousand dollars, or major fraction thereof, of the assessed value of said land, additional.

(2) For granting certificates of title, upon each applicant, and registering the same, two dollars.

(3) For registering each transfer, including the filing of all instruments connected therewith, and the issuance and registration of the instruments connected therewith, and the issuance and registration of the new certificate of title, ten dollars.

(4) When the land transferred is held upon any trust, condition, or limitation, an additional fee of three dollars.

(5) For entry of each memorial on the register, including the filing of all instruments and papers connected therewith, and endorsements upon duplicate certificates, three dollars.

(6) For issuing each additional owner's duplicate certificate, mortgagee's duplicate certificate, or lessee's duplicate certificate, three dollars.

(7) For filing copy of will, with letters testamentary, or filing copy of letters of administration, and entering memorial thereof, two dollars and fifty cents.

(8) For the cancellation of each memorial, or charge, one dollar.

(9) For each certificate showing the condition of the register, one dollar.

(10) For any certified copy of any instrument or writing on file in his office, the same fees now allowed by law to county clerks and county auditors for like service.

(11) For any other service required, or necessary to carry out this chapter, and not hereinbefore itemized, such fee or fees as the court shall determine and establish.

(12) For registration of each mortgage and issuance of duplicate of title a fee of five dollars; for each deed of trust and issuance of duplicate of title a fee of eight dollars. [1973 1st ex.s. c 195 § 76; 1973 c 121 § 2; 1907 c 250 § 95; RRS § 10724.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

Chapter 65.16
LEGAL PUBLICATIONS

65.16.090 PUBLICATION FEES. Where publication of legal notices is required or allowed by law, the person or officer desiring the publication shall pay on a basis of four dollars and twenty cents per folio of one hundred words for the first insertion and three dollars and fifteen cents per folio of one hundred words for each subsequent insertion, or its equivalent in number of words: PROVIDED, That a newspaper having a circulation of over fifteen thousand copies each issue may charge such additional rate as it deems necessary and just and any person or officer authorizing the publication of a legal notice in such newspaper may legally pay such rate as is charged by it: PROVIDED FURTHER, That this section shall not apply to the amount to be charged for the publication of a legal notice or advertisement for a school district, city, town, county, state, municipal, or quasi municipal corporation or the United States government. [1973 1st ex.s. c 28 § 2; 1967 ex.s. c 57 § 1; 1955 c 186 § 1; 1947 c 140 § 1; 1921 c 99 § 4; Rem. Supp. 1947 § 253-4.]

TITLE 66
ALCOHOLIC BEVERAGE CONTROL

Sections added, amended, or repealed:

Chapter 66.08 Liquor Control Board—General Provisions.

66.08.070 Purchase of liquor by board—Consignment not prohibited.

Chapter 66.16 State Liquor Stores.

66.16.040 Sales of liquor by employees—Identification cards—Permit holders—Sales for cash.

Chapter 66.20 Liquor Permits.

66.20.160 "Card of identification", "licensee", "store employee" defined for certain purposes.
66.20.170 Card of identification may be accepted as identification card and evidence of legal age.
66.20.180 Card of identification to be presented on request of licensee.
66.20.190 Identification card holder must sign certification card—Contents—Procedure.
66.20.200 Unlawful acts relating to card of identification and certification card—Penalty.
66.20.210 Licensee's immunity to prosecution or suit—Certification card as evidence of good faith.

Chapter 66.24 Licenses—Stamp Taxes.

- 66.24.010 Issuance, transferability, refusal, suspension, cancellation, hearings, procedure—Duration—Conditions and restrictions—Posting—Notice to local authorities—Proximity to churches, schools, etc.
- 66.24.025 Assignment of license—Fee—Exception.
- 66.24.120 Vacation of suspension on payment of penalty.
- 66.24.206 Certificate of approval required for out-of-state winery or manufacturer of wine or importer of wine produced outside United States—Reports—Agreement with board—Fee.
- 66.24.210 Imposition of tax on all wines sold to wine wholesalers and liquor control board.
- 66.24.270 Manufacturers' monthly report to board of sales made to beer wholesalers—Certificate of approval and report for out-of-state or imported beer—Fee.
- 66.24.330 Beer retailer's license—Class B.
- 66.24.370 Wine retailer's license—Class F.
- 66.24.380 Special beer license—Class G.
- 66.24.500 Special occasion wine retailer's license—Class J—Fee.

Chapter 66.44 Enforcement—Penalties.

- 66.44.230 Admitting, employing, or furnishing liquor to, previously convicted or intoxicated person or common drunkard.
- 66.44.316 Musicians eighteen years and over permitted to enter and remain upon licensed premises during employment.
- 66.44.320 Sales of liquor to minors a violation.

Chapter 66.08

LIQUOR CONTROL BOARD—GENERAL PROVISIONS

66.08.070 PURCHASE OF LIQUOR BY BOARD—CONSIGNMENT NOT PROHIBITED. (1) Every order for the purchase of liquor shall be authorized by the board, and no order for liquor shall be valid or binding unless it is so authorized and signed by the board or its authorized designee.

(2) A duplicate of every such order shall be kept on file in the office of the board.

(3) All cancellations of such orders made by the board shall be signed in the same manner and duplicates thereof kept on file in the office of the board. Nothing in this title shall be construed as preventing the board from accepting liquor on consignment. [1973 1st ex.s. c 209 § 1; 1933 ex.s. c 62 § 67; RRS § 7306-67.]

Severability—1973 1st ex.s. c 209: "If any phrase, clause, subsection or section of this 1973 amendatory act shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the legislature would have enacted this 1973 amendatory act without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the act shall not be affected as a result of said part being held unconstitutional or invalid." [1973 1st ex.s. c 209 § 21.]

Effective date—1973 1st ex.s. c 209: "This 1973 amendatory 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 July 1, 1973." [1973 1st ex.s. c 209 § 22.]

The foregoing annotations apply to RCW 66.08.070, 66.16.040, 66.20.160-66.20.210, 66.24.010, 66.24.025, 66.24.120, 66.24.206, 66.24.270, 66.24.330, 66.24.370, 66.24.380, 66.24.500, 66.44.320, and to the repeal of RCW 66.44.230.

Chapter 66.16
STATE LIQUOR STORES

66.16.040 SALES OF LIQUOR BY EMPLOYEES—IDENTIFICATION CARDS—PERMIT HOLDERS—SALES FOR CASH. Except as otherwise provided by law, an employee in a state liquor store or agency may sell liquor to any person of legal age to purchase alcoholic beverages as provided in chapter 100, Laws of 1973 and may also sell to holders of permits such liquor as may be purchased under such permits.

Where there may be a question of a person's right to purchase liquor by reason of his age, such person shall be required to present any one of the following officially issued cards of identification which shows his correct age and bears his signature and photograph:

(1) Liquor control authority card of identification of any state.

(2) Driver's license of any state or "identocard" issued by the Washington state department of motor vehicles pursuant to RCW 46.20.117.

(3) United States active duty military identification.

(4) Passport.
The board may adopt such regulations as it deems proper covering the acceptance of such cards of identification.

No liquor sold under this section shall be delivered until the purchaser has paid for the liquor in cash. [1973 1st ex.s. c 209 § 3; 1971 ex.s. c 15 § 1; 1959 c 111 § 1; 1933 ex.s. c 62 § 7; RRS § 7306-7.]

Severability—Effective date—1973 1st ex.s. c 209: See notes following RCW 66.08.070.

Reviser's note: Chapter 100, Laws of 1973 referred to in the first paragraph was referred to and rejected by the people at the 1973 state general election (Referendum Measure No. 36).

Chapter 66.20
LIQUOR PERMITS

66.20.160 "CARD OF IDENTIFICATION", "LICENSEE", "STORE EMPLOYEE" DEFINED FOR CERTAIN PURPOSES. Words and phrases as used in RCW 66.20.160 to 66.20.210, inclusive, shall have the following meaning:

"Card of identification" means any one of those cards described in RCW 66.16.040.

"Licensee" means the holder of a retail liquor license issued by the board, and includes any employee or agent of the licensee.

"Store employee" means a person employed in a state liquor store or agency to sell liquor. [1973 1st ex.s. c 209 § 4; 1971 ex.s. c 15 § 2; 1959 c 111 § 4; 1949 c 67 § 1; Rem. Supp. 1949 § 7306-19A.]

Severability—Effective date—1973 1st ex.s. c 209: See notes following RCW 66.08.070.

66.20.170 CARD OF IDENTIFICATION MAY BE ACCEPTED AS IDENTIFICATION CARD AND EVIDENCE OF LEGAL AGE. A card of identification may for the purpose of this title and for the purpose of procuring liquor, be accepted as an identification card by any licensee or store employee and as evidence of legal age of the person presenting such card, provided the licensee or store employee complies with the conditions and procedures prescribed herein and such regulations as may be made by the board. [1973 1st ex.s. c 209 § 5; 1971 ex.s. c 15 § 3; 1959 c 111 § 5; 1949 c 67 § 2; Rem. Supp. 1949 § 7306-19B.]

Severability—Effective date—1973 1st ex.s. c 209: See notes following RCW 66.08.070.

66.20.180 CARD OF IDENTIFICATION TO BE PRESENTED ON REQUEST OF LICENSEE. A card of identification shall be presented by the holder thereof upon request of any licensee, store employee, peace officer, or enforcement officer of the board for the purpose of aiding the licensee, store employee, peace officer, or enforcement officer of the board to determine whether or not such person is of legal age to purchase liquor when such person desires to procure liquor from a licensed establishment or state liquor store or agency. [1973 1st ex.s. c 209 § 6; 1971 ex.s. c 15 § 4; 1959 c 111 § 6; 1949 c 67 § 3; Rem. Supp. 1949 § 7306-19C.]

Severability—Effective date—1973 1st ex.s. c 209: See notes following RCW 66.08.070.

66.20.190 IDENTIFICATION CARD HOLDER MUST SIGN CERTIFICATION CARD—CONTENTS—PROCEDURE. In addition to the presentation by the holder and verification by the licensee or store employee of such card of identification, the licensee or store employee shall require the person whose age may be in question to sign a certification card and record an accurate description and serial number of his card of identification thereon. Such statement shall be upon a five-inch by eight-inch file card, which card shall be filed alphabetically by the licensee or store employee at or before the close of business on the day on which the statement is executed, in the file box containing a suitable alphabetical index and the card shall be subject to examination by any peace officer or agent or employee of the board at all times. [1973 1st ex.s. c 209 § 7; 1971 ex.s. c 15 § 5; 1959 c 111 § 7; 1949 c 67 § 4; Rem. Supp. 1949 § 7306-19D.]

Severability—Effective date—1973 1st ex.s. c 209: See notes following RCW 66.08.070.

66.20.200 UNLAWFUL ACTS RELATING TO CARD OF IDENTIFICATION AND CERTIFICATION CARD—PENALTY. It shall be unlawful for the owner of a card of identification to transfer the card to any other person for the purpose of aiding such person to procure alcoholic beverages from any licensee or store employee. Any person who shall permit his card of identification to be used by another or transfer such card to another for the purpose of aiding such transferee to obtain alcoholic beverages from a licensee or store employee, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars or imprisonment for not more than thirty days or both. Any person not entitled thereto who unlawfully procures or has issued or transferred to him a card of identification, and any person who possesses a card of identification not issued to him, and any person who makes any false statement on any certification card required by RCW 66.20.190, as now or hereafter amended, to be signed by him, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars or imprisonment for not more than thirty days or both. [1973 1st ex.s. c 209 § 8; 1971 ex.s. c 15 § 6; 1969 ex.s. c 178 § 2; 1959 c 111 § 8; 1949 c 67 § 5; Rem. Supp. 1949 § 7306-19E.]

Severability—Effective date—1973 1st ex.s. c 209; See notes following RCW 66.08.070.

66.20.210 LICENSEE'S IMMUNITY TO PROSECUTION OR SUIT—CERTIFICATION CARD AS EVIDENCE OF GOOD FAITH. No licensee or the agent or employee of the licensee, or store employee, shall be prosecuted criminally or be sued in any civil action for serving liquor to a person under legal age to purchase liquor if such person has presented a card of identification in accordance with RCW 66.20.180, and has signed a certification card as provided in RCW 66.20.190.

Such card in the possession of a licensee may be offered as a defense in any hearing held by the board for serving liquor to the person who signed the card and may be considered by the board as evidence that the licensee acted in good faith. [1973 1st ex.s. c 209 § 9; 1971 ex.s. c 15 § 7; 1959 c 111 § 9; 1949 c 67 § 6; Rem. Supp. 1949 § 7306-19F.]

Severability—Effective date—1973 1st ex.s. c 209; See notes following RCW 66.08.070.

Chapter 66.24
LICENSES—STAMP TAXES

66.24.010 ISSUANCE, TRANSFERABILITY, REFUSAL, SUSPENSION, CANCELLATION, HEARINGS, PROCEDURE—DURATION—CONDITIONS AND RESTRICTIONS—POSTING—NOTICE TO LOCAL AUTHORITIES—PROXIMITY TO CHURCHES, SCHOOLS, ETC. (1) Every license shall be issued in the name of the applicant and the holder thereof shall not allow any other person to use the license.

(2) For the purpose of considering any application for a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. The board may, in its discretion, grant or refuse the license applied for. No retail license of any kind shall be issued to:

(a) A person who is not a citizen of the United States, except when the privilege is granted by treaty;

(b) A person who has not resided in the state for at least one month prior to making application, except in cases of licenses issued to dining places on railroads, boats, or aircraft;

(c) A person who has been convicted of a felony within five years prior to filing his application;

(d) A copartnership, unless all of the members thereof are qualified to obtain a license, as provided in this section;

(e) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;

(f) A corporation, unless all of the officers thereof are citizens of the United States.

(3) The board may, in its discretion, subject to the provisions of RCW 66.08-.150, suspend or cancel any license; and all rights of the licensee to keep or sell liquor thereunder shall be suspended or terminated, as the case may be. The board may appoint examiners who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt.

Witnesses shall be allowed fees at the rate of four dollars per day, plus ten cents per mile each way. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or examiners, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or examiner, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(4) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or termination of the period of suspension, with a memorandum of the suspension written or stamped upon the face thereof in red ink. The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee shall allow or cause any liquor to be delivered to or for any person at the premises of that licensee.

(5) Unless sooner canceled, every license issued by the board shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued.

(6) Every license issued under this section shall be subject to all conditions and restrictions imposed by this title or by the regulations in force from time to time.

(7) Every licensee shall post and keep posted its license, or licenses, in a conspicuous place on the premises.

(8) Before the board shall issue a license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application be for a license within an incorporated city or

town, or to the board of county commissioners, if the application be for a license outside the boundaries of incorporated cities or towns; and such incorporated city or town, through the official or employee selected by it, or the board of county commissioners or the official or employee, selected by it, shall have the right to file with the board within twenty days after date of transmittal of such notice, written objections against the applicant or against the premises for which the license is asked, and shall include with such objections a statement of all facts upon which such objections are based, and in case written objections are filed, may request and the liquor control board may in its discretion hold a formal hearing subject to the applicable provisions of chapter 34.04 RCW, as now or hereafter amended. Upon the granting of a license under this title the board shall cause a duplicate of the license to be transmitted to the chief executive officer of the incorporated city or town in which the license is granted, or to the board of county commissioners if the license is granted outside the boundaries of incorporated cities or towns.

(9) Before the board issues any license to any applicant, it shall give due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools and public institutions: PROVIDED, That on and after the effective date of this act, the board shall issue no beer retailer license class A, B, or D or wine retailer license class C covering any premises not now licensed, if such premises are within five hundred feet of the premises of any church, parochial or tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets or other public passageway from the outer property line of the church or school grounds to the nearest public entrance of the premises proposed for license, unless the board shall receive written notice from an official representative or representatives of the schools and/or churches within five hundred feet of said proposed licensed premises, indicating to the board that there is no objection to the issuance of such license because of proximity to a school or church. For the purpose of this section, church shall mean a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith.

(10) The restrictions set forth in the preceding subsection shall not prohibit the board from authorizing the transfer of existing licenses now located within the restricted area to other persons or locations within the restricted area: PROVIDED, Such transfer shall in no case result in establishing the licensed premises closer to a church or school than it was before the transfer. [1973 1st ex.s. c

209 § 10; 1971 c 70 § 1; 1969 ex.s. c 178 § 3; 1947 c 144 § 1; 1955 c 174 § 3; 1933 ex.s. c 62 § 27; Rem. Supp. 1947 § 7306-27. Formerly RCW 66.24.010, part and 66.24.020 through 66.24.100. Former part of section: 1937 c 217 § 1 (23-U) now codified as RCW 66.24.025.]

Severability—Effective date—1973 1st ex.s. c 209: See notes following RCW 66.08.070.

66.24.025 ASSIGNMENT OF LICENSE—FEE—EXCEPTION. The holder of one or more licenses may assign and transfer the same to any qualified person under such rules and regulations as the board may prescribe: PROVIDED, HOWEVER, That no such assignment and transfer shall be made which will result in both a change of licensee and change of location; the fee for such assignment and transfer shall be thirty-five dollars: PROVIDED, FURTHER, That no fee will be charged for transfer to the surviving spouse only of a deceased licensee if the parties were maintaining a marital community and the license was issued in the names of one or both of the parties. [1973 1st ex.s. c 209 § 11; 1971 c 70 § 2; 1937 c 217 § 1 (23-U) (adding new section 23-U to 1933 ex.s. c 62); RRS § 7306-23U.]

Severability—Effective date—1973 1st ex.s. c 209: See notes following RCW 66.08.070.

66.24.120 VACATION OF SUSPENSION ON PAYMENT OF PENALTY. The board in suspending any license may further provide in the order of suspension that such suspension shall be vacated upon payment to the board by the licensee of a monetary penalty in an amount then fixed by the board. [1973 1st ex.s. c 209 § 12; 1939 c 172 § 7 (adding new section 27-C to 1933 ex.s. c 62); RRS § 7306-27C.]

Severability—Effective date—1973 1st ex.s. c 209: See notes following RCW 66.08.070.

66.24.206 CERTIFICATE OF APPROVAL REQUIRED FOR OUT-OF-STATE WINERY OR MANUFACTURER OF WINE OR IMPORTER OF WINE PRODUCED OUTSIDE UNITED STATES—REPORTS—AGREEMENT WITH BOARD—FEE. No wine wholesaler nor wine importer shall purchase any wine not manufactured within the state of Washington by a winery holding a license as a manufacturer of wine from the state of Washington, and/or transport or cause the same to be transported into the state of Washington for resale therein, unless the winery or manufacturer of such wine, or the licensed importer of wine produced outside the United States, has obtained from the Washington state liquor control

board a certificate of approval, as hereinafter provided. The certificate of approval herein provided for shall not be granted unless and until such winery, manufacturer, or licensed importer of wine produced outside the United States, shall have made a written agreement with the board to furnish to the board, on or before the tenth day of each month, a report under oath, on a form to be prescribed by the board, showing the quantity of wine sold or delivered to each licensed wine importer, or imported by the licensed importer of wine produced outside the United States, during the preceding month, and shall further have agreed with the board, that such wineries, manufacturers, or licensed importers of wine produced outside the United States, and all general sales corporations or agencies maintained by them, and all of their trade representatives and agents, shall and will faithfully comply with all laws of the state of Washington pertaining to the sale of intoxicating liquors and all rules and regulations of the Washington state liquor control board. If any such winery, manufacturer, or licensed importer of wine produced outside the United States, shall, after obtaining such certificate, fail to submit such report, or if such winery, manufacturer, or licensed importer of wine produced outside the United States, or general sales corporations or agencies maintained by them, or their trade representatives or agents, shall violate the terms of such agreement, the board shall, in its discretion, suspend or revoke such certificate: PROVIDED, HOWEVER, That such certificates of approval shall be issued only for specifically named designated and identified types of wine. The Washington state liquor control board shall not certify wines labeled with names which may be confused with other nonalcoholic beverages, whether manufactured or produced from a domestic winery or imported, nor wines which fail to meet quality standards established by the board.

The fee for the certificate of approval, issued pursuant to the provisions of this title, shall be fifty dollars per annum, which sum shall accompany the application for such certificate. [1973 1st ex.s. c 209 § 13; 1969 ex.s. c 21 § 10.]

Severability—Effective date—1973 1st ex.s. c 209: See notes following RCW 66.08.070.

66.24.210 IMPOSITION OF TAX ON ALL WINES SOLD TO WINE WHOLESALERS AND LIQUOR CONTROL BOARD. There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax of seventy-five cents per wine gallon: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to another winery shall not be subject to such gallonage tax. The

tax herein provided for may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on gallonage purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall report all sales to the board in such manner, at such times and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel his license until all taxes are paid. [1973 1st ex.s. c 204 § 2; 1969 ex.s. c 21 § 3; 1943 c 216 § 2; 1939 c 172 § 3; 1935 c 158 § 3 (adding new section 24A to 1933 ex.s. c 62); Rem. Supp. 1943 § 7306-24A. Formerly RCW 66.04.120, 66.24.210, part, 66.24.220 and 66.24.230, part. FORMER PART OF SECTION: 1933 ex.s. c 62 § 25, part, now codified as RCW 66.24.230.]

Floor stocks tax: "There is hereby imposed upon every licensed wine wholesaler who possesses wine for resale upon which the tax has not been paid under section 2 of this 1973 amendatory act, a floor stocks tax of sixty-five cents per wine gallon on wine in his possession or under his control on June 30, 1973. Each such wholesaler shall within twenty days after June 30, 1973, file a report with the Washington State liquor control board in such form as the board may prescribe, showing the wine products on hand July 1, 1973, converted to gallons thereof and the amount of tax due thereon. The tax imposed by this section shall be due and payable within twenty days after July 1, 1973, and thereafter bear interest at the rate of one percent per month." [1973 1st ex.s. c 204 § 3.]

Effective date—1973 1st ex.s. c 204: See note following RCW 82.08.150.

66.24.270 MANUFACTURERS' MONTHLY REPORT TO BOARD OF SALES MADE TO BEER WHOLESALERS—CERTIFICATE OF APPROVAL AND REPORT FOR OUT-OF-STATE OR IMPORTED BEER—FEE. (1) Every person, firm or corporation, holding a license to manufacture

malt liquors within the state of Washington, shall, on or before the tenth day of each month, furnish to the Washington state liquor control board, on a form to be prescribed by the board, a statement showing the quantity of malt liquors sold for resale during the preceding calendar month to each beer wholesaler within the state of Washington;

(2) No beer wholesaler nor beer importer shall purchase any beer not manufactured within the state of Washington by a brewer holding a license as a manufacturer of malt liquors from the state of Washington, and/or transport or cause the same to be transported into the state of Washington for resale therein, unless the brewer or manufacturer of such beer or the licensed importer of beer produced outside the United States has obtained from the Washington state liquor control board a certificate of approval, as hereinafter provided. The certificate of approval herein provided for shall not be granted unless and until such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States shall have made a written agreement with the board to furnish to the board, on or before the tenth day of each month, a report under oath, on a form to be prescribed by the board, showing the quantity of beer sold or delivered to each licensed beer importer or imported by the licensed importer of beer produced outside the United States during the preceding month, and shall further have agreed with the board, that such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States and all general sales corporations or agencies maintained by such brewers or manufacturers or importers, and all trade representatives or agents of such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States, and of such general sales corporations and agencies, shall and will faithfully comply with all laws of the state of Washington pertaining to the sale of intoxicating liquors and all rules and regulations of the Washington state liquor control board. If any such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States shall, after obtaining such certificate, fail to submit such report, or if such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States or general sales corporation or agency maintained by such brewers or manufacturers or importers, or any representative or agent thereof, shall violate the terms of such agreement, the board shall, in its discretion, suspend or revoke such certificate;

(3) The fee for the certificate of approval, issued pursuant to the provisions of this title, shall be fifty dollars per annum, which sum shall accompany the application for such certificate.

[1973 1st ex.s. c 209 § 14; 1969 ex.s. c 178 § 4; 1937 c 217 § 1 (23F) (adding new section 23-F to 1933 ex.s. c 62); RRS § 7306-23F. Formerly RCW 66.24.270 and 66.24.280.]

Severability—Effective date—1973 1st ex.s. c 209: See notes following RCW 66.08.070.

66.24.330 BEER RETAILER'S LICENSE—CLASS B. There shall be a beer retailer's license to be designated as a class B license to sell beer by the individual glass or opened bottle at retail, for consumption on the premises and to sell unpasteurized beer for consumption off the premises: PROVIDED, HOWEVER, That unpasteurized beer so sold must be in original sealed packages of the manufacturer or bottler of not less than seven and three-fourths gallons: AND PROVIDED FURTHER, That unpasteurized beer may be sold to a purchaser in a sanitary container brought to the premises by the purchaser and filled at the tap by the retailer at the time of sale; such license to be issued only to a person operating a tavern. The annual fee for said license, if issued in cities and towns, shall be graduated according to the population thereof as follows:

Cities and towns of less than 10,000; fee \$62.50;

Cities and towns of 10,000 and less than 100,000; fee \$125.00;

Cities and towns of 100,000 or over; fee \$187.50;

The annual fee for such license, if issued outside of cities and towns, shall be sixty-two dollars and fifty cents: PROVIDED, HOWEVER, That where dancing is permitted on the premises, the fee shall be one hundred eighty-seven dollars and fifty cents. [1973 1st ex.s. c 209 § 15; 1967 ex.s. c 75 § 3; 1941 c 220 § 2; 1937 c 217 § 1 (23N) (adding new section 23-N to 1933 ex.s. c 62); Rem. Supp. 1941 § 7306-23N.]

Severability—Effective date—1973 1st ex.s. c 209: See notes following RCW 66.08.070.

66.24.370 WINE RETAILER'S LICENSE—CLASS F. There shall be a wine retailer's license to be designated as class F license to sell wine in bottles and original packages, not to be consumed on the premises where sold, at any store other than the state liquor stores: PROVIDED, Such licensee shall pay to the state liquor stores for wines purchased from such stores the current retail price; fee forty-three dollars and seventy-five cents per annum: PROVIDED, FURTHER, That a holder of a class A or class B license shall be entitled to the privileges permitted in this section by paying an annual fee of twelve dollars and fifty cents for

each store. [1973 1st ex.s. c 209 § 16; 1967 ex.s. c 75 § 7; 1937 c 217 § 1 (23R) (adding new section 23-R to 1933 ex.s. c 62); RRS § 7306-23R.]

Severability—Effective date—1973 1st ex.s. c 209; See notes following RCW 66.08.070.

66.24.380 SPECIAL BEER LICENSE—CLASS G. There shall be a beer retailer's license to be designated as class G; a special license to a society or organization to sell beer at picnics or other special occasions at a specified date and place; fee ten dollars per day. Sale, service, and consumption of beer is to be confined to specified premises or designated areas only. [1973 1st ex.s. c 209 § 17; 1969 ex.s. c 178 § 5; 1937 c 217 § 1 (23S) (adding new section 23-S to 1933 ex.s. c 62); RRS § 7306-23S.]

Severability—Effective date—1973 1st ex.s. c 209; See notes following RCW 66.08.070.

66.24.500 SPECIAL OCCASION WINE RETAILER'S LICENSE—CLASS J—FEE. There shall be a wine retailer's license to be designated as class J; a special license to a society or organization to sell wine at special occasions at a specified date and place; fee ten dollars per day. Sale, service, and consumption of wine is to be confined to specified premises or designated areas only. [1973 1st ex.s. c 209 § 18; 1969 ex.s. c 178 § 9.]

Severability—Effective date—1973 1st ex.s. c 209; See notes following RCW 66.08.070.

Chapter 66.44
ENFORCEMENT—PENALTIES

66.44.230 ADMITTING, EMPLOYING, OR FURNISHING LIQUOR TO, PREVIOUSLY CONVICTED OR INTOXICATED PERSON OR COMMON DRUNKARD. [1909 ex.s. c 27 § 2; 1909 c 249 § 437; RRS § 2689.] Repealed by 1973 1st ex.s. c 209 § 20.

66.44.316 MUSICIANS EIGHTEEN YEARS AND OVER PERMITTED TO ENTER AND REMAIN UPON LICENSED PREMISES DURING EMPLOYMENT. Notwithstanding the provisions of RCW 26.28-.080 as now or hereafter amended, it is lawful for professional musicians, eighteen years of age and older, to enter and to remain in any premises licensed under the provisions of Title 66 RCW, but only during and in the course of their employment as musicians.

This section shall not be construed as permitting the sale or distribution of any alcoholic beverages to any person under

the age of nineteen years. [1973 1st ex.s. c 96 § 1.]

66.44.320 SALES OF LIQUOR TO MINORS A VIOLATION. Every person who shall sell any intoxicating liquor to any minor shall be guilty of a violation of Title 66 RCW. [1973 1st ex.s. c 209 § 19; 1933 c 2 § 1; 1929 c 200 § 1; RRS § 7328-1.]

Severability—Effective date—1973 1st ex.s. c 209; See notes following RCW 66.08.070.

TITLE 67

ATHLETICS, SPORTS AND ENTERTAINMENT

Sections added, amended, or repealed:

Chapter 67.08 Boxing and Wrestling.

67.08.015 Duties of Commission—Licensing—Exemption as to scholastic organizations—Compliance required.

Chapter 67.14 Billiard Tables, Bowling Alleys and Miscellaneous Games—1873 Act.

67.14.040 Retail liquor license.

Chapter 67.16 Horse Racing.

67.16.012 Washington horse racing commission—Creation—Terms—Vacancies—Bonds—Oaths.

67.16.050 Application for meet—Issuance of license—Fee—Cancellation.

67.16.140 Employees of commission—Employment restriction.

67.16.150 Employees of commission—Commissioners—Financial interest restrictions.

67.16.160 Rules and regulations implementing conflict of interest laws.

Chapter 67.28 Public Stadium and Convention Facilities.

67.28.120 Authorization to acquire, maintain, operate, etc. public stadium and convention facilities.

67.28.130 Conveyance or lease of lands, properties or facilities authorized—Joint participation, use of facilities.

67.28.160 Revenue bonds—Issuance, sale, form, term, payment, reserves, actions.

67.28.170 Power to lease all or part of facilities—Disposition of proceeds.

67.28.180 Special excise tax authorized—Hotel, motel, rooming house, trailer camp, etc. charges.

67.28.210 Special excise tax authorized—Proceeds credited to special

fund—Limitation on use—
Investment.

67.28.911 Severability—1973 2nd ex.s. c
34.

Chapter 67.08
BOXING AND WRESTLING

67.08.015 DUTIES OF COMMISSION—LICENSING—EXEMPTION AS TO SCHOLASTIC ORGANIZATIONS—COMPLIANCE REQUIRED. The commission shall have power and it shall be its duty to direct, supervise, and control all boxing contests or sparring and wrestling matches or exhibitions conducted within the state and no such boxing contest, sparring or wrestling match or exhibition shall be held or given within this state except in accordance with the provisions of this chapter. The commission may, in its discretion, issue and for cause revoke a license to conduct, hold or give boxing, sparring and/or wrestling contests, matches, and exhibitions where an admission fee is charged by any club, corporation, organization, association, or fraternal society: PROVIDED, HOWEVER, That all boxing contests, sparring or wrestling matches or exhibitions which:

(1) Are conducted by any high school, college, or university, whether public or private, or by the official student association thereof, whether on or off the school, college, or university grounds, where all the participating contestants are bona fide students enrolled in any high school, college, or university, within or without this state; or

(2) Are entirely amateur events promoted on a nonprofit basis or for charitable purposes and where the gross admissions receipts are five hundred dollars or less; shall not be subject to the provisions of this chapter: PROVIDED, FURTHER, That every contestant in any boxing contest, sparring or wrestling match not conducted under the provisions of this chapter shall be examined within eight hours prior to the contest by a practicing physician and that the organizations exempted by this section from the provisions of this chapter shall be governed by RCW 67.08.080 as said section applies to boxing contests, sparring or wrestling matches or exhibitions conducted by organizations exempted by this section from the general provisions of this chapter. No boxing contest or sparring or wrestling match or exhibition shall be conducted within the state except pursuant to a license issued in accordance with the provisions of this chapter and the rules and regulations of the commission except as hereinabove provided. [1973 c 53 § 1; 1951 c 48 § 2.]

Chapter 67.14

BILLIARD TABLES, BOWLING ALLEYS AND MISCELLANEOUS GAMES—1873 ACT

67.14.040 RETAIL LIQUOR LICENSE. The legislative authorities of each county, in their respective counties, shall have the power to grant license to persons to keep drinking houses or saloons therein, at which spirituous, malt, or fermented liquors and wines may be sold in less quantities than one gallon; and such license shall be called a retail license upon the payment, by the person applying for such license, of the sum of three hundred dollars a year into the county treasury, and the execution of a good and sufficient bond, executed to such county in the sum of one thousand dollars, to be approved by such legislative authority or the county auditor of the county in which such license is granted, conditioned that he will keep such drinking saloon or house in a quiet, peaceable, and orderly manner: PROVIDED, The foregoing shall not be so construed as to prevent the legislative authority of any county from granting licenses to drinking saloons or houses therein, when there is but little business doing, for less than three hundred dollars, but in no case for less than one hundred dollars per annum: AND PROVIDED FURTHER, That such license shall be used only in the precinct to which it shall be granted; PROVIDED FURTHER, that no license shall be used in more than one place at the same time. AND FURTHER PROVIDED, That no license shall be granted to any person to retail spirituous liquors until he shall furnish to the legislative authority satisfactory proof that he is a person of good moral character. [1973 1st ex.s. c 154 § 100; 1875 p 124 § 1; 1873 p 438 § 4; Code 1881, Bagley's Supp. p 26 § 4.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 67.16
HORSE RACING

67.16.012 WASHINGTON HORSE RACING COMMISSION—CREATION—TERMS—VACANCIES—BONDS—OATHS. There is hereby created the Washington horse racing commission, to consist of three commissioners, who shall be citizens, residents, and qualified electors of the state of Washington, and one of whom shall be a breeder of race horses and he shall be of at least one year's standing. The first members of said commission shall be appointed by the governor within thirty days after March 3, 1933, one for a term to expire on the Thursday following the second Monday in January of 1935, one for a term to expire on the Thursday following the second Monday in January of 1937, and one for a

term to expire on the Thursday following the second Monday in January of 1939, upon which expiration of the term of any member, the governor shall appoint a successor for a term of six years. Each member shall hold office until his successor is appointed and qualified. Vacancies in the office of commissioner shall be filled by appointment to be made by the governor for the unexpired term. Any commissioner may be removed at any time at the pleasure of the governor: PROVIDED, That any member or successor that is appointed or reappointed by the governor after August 11, 1969, shall be confirmed by the senate. Before entering upon the duties of his office, each commissioner shall enter into a surety company bond, to be approved by the governor and attorney general, payable to the state of Washington, in the penal sum of five thousand dollars, conditioned upon the faithful performance of his duties and the correct accounting and payment of all sums received and coming within his control under this chapter, and in addition thereto each commissioner shall take and subscribe to an oath of office of the same form as that prescribed by law for elective state officers. [1973 1st ex.s. c 216 § 1; 1969 ex.s. c 233 § 1; 1933 c 55 § 2; RRS § 8312-2. Formerly RCW 43.50.010.]

67.16.050 APPLICATION FOR MEET--ISSUANCE OF LICENSE--FEE--CANCELLATION. Every person making application for license to hold a race meet, under the provisions of this chapter shall file an application with the commission which shall set forth the time, the place, the number of days such meet will continue, and such other information as the commission may require. The commission shall be the sole judge of whether or not the race meet shall be licensed and the number of days the meet shall continue. No person who has been convicted of any crime involving moral turpitude shall be issued a license, nor shall any license be issued to any person who has violated the terms or provisions of this chapter, or any of the rules and regulations of the commission made pursuant thereto, or who has failed to pay to the commission any or all sums required under the provisions of this chapter. The license shall specify the number of days the race meet shall continue and the number of races per day, which shall be not less than six nor more than ten, and for which a fee shall be paid in advance of one hundred dollars for each day: PROVIDED, That if unforeseen obstacles arise, which prevent the holding, or completion of any race meet, the license fee for the meet, or for a portion which cannot be held may be refunded the licensee, if the commission deems the reasons for failure to hold or complete the race meet sufficient. Any unexpired license held by any person who violates any of the provisions of this chapter, or any of the

rules or regulations of the commission made pursuant thereto, or who fails to pay to the commission any and all sums required under the provisions of this chapter, shall be subject to cancellation and revocation by the commission. Such cancellation shall be made only after a summary hearing before the commission, of which three days' notice, in writing, shall be given the licensee, specifying the grounds for the proposed cancellation, and at which hearing the licensee shall be given an opportunity to be heard in opposition to the proposed cancellation. [1973 1st ex.s. c 39 § 1; 1933 c 55 § 6; RRS § 8312-6.]

67.16.140 EMPLOYEES OF COMMISSION--EMPLOYMENT RESTRICTION. No employee of the horse racing commission shall serve as an employee of any track at which that individual will also serve as an employee of the commission. [1973 1st ex.s. c 216 § 3.]

67.16.150 EMPLOYEES OF COMMISSION--COMMISSIONERS--FINANCIAL INTEREST RESTRICTIONS. No employee nor any commissioner of the horse racing commission shall have any financial interest whatsoever, other than an ownership interest in a community venture, in any track at which said employee serves as an agent or employee of the commission or at any track with respect to a commissioner. [1973 1st ex.s. c 216 § 4.]

67.16.160 RULES AND REGULATIONS IMPLEMENTING CONFLICT OF INTEREST LAWS. No later than ninety days after July 16, 1973 the horse racing commission shall promulgate, pursuant to chapter 34.04 RCW, reasonable rules and regulations implementing to the extent applicable to the circumstances of the horse racing commission the conflict of interest laws of the state of Washington as set forth in chapters 42.18, 42.21 and 42.22 RCW. [1973 1st ex.s. c 216 § 5.]

Chapter 67.28

PUBLIC STADIUM AND CONVENTION FACILITIES

67.28.120 AUTHORIZATION TO ACQUIRE, MAINTAIN, OPERATE, ETC. PUBLIC STADIUM AND CONVENTION FACILITIES. Any municipality is authorized either individually or jointly with any other municipality, or person, or any combination thereof, to acquire by purchase, gift or grant, to lease as lessee, and to construct, install, add to, improve, replace, repair, maintain, operate and regulate the use of public stadium facilities and/or convention center facilities whether located within or without such municipality, including but not limited to buildings,

structures, concession and service facilities, roads, bridges, walks, ramps and other access facilities, terminal and parking facilities for private vehicles and public transportation vehicles and systems, together with all lands, properties, property rights, equipment, utilities, accessories and appurtenances necessary for such public stadium facilities and/or convention center facilities, and to pay for any engineering, planning, financial, legal and professional services incident to the development and operation of such public stadium facilities and/or convention center facilities. [1973 2nd ex.s. c 34 § 1; 1967 c 236 § 5.]

67.28.130 CONVEYANCE OR LEASE OF LANDS, PROPERTIES OR FACILITIES AUTHORIZED--JOINT PARTICIPATION, USE OF FACILITIES. Any municipality, taxing district, or municipal corporation is authorized to convey or lease any lands, properties or facilities to any other municipality for the development by such other municipality of public stadium facilities and/or convention center facilities or to provide for the joint use of such lands, properties or facilities, or to participate in the financing of all or any part of the public stadium facilities and/or convention center facilities on such terms as may be fixed by agreement between the respective legislative bodies without submitting the matter to the voters of such municipalities, unless the provisions of general law applicable to the incurring of municipal indebtedness shall require such submission. [1973 2nd ex.s. c 34 § 2; 1967 c 236 § 6.]

67.28.160 REVENUE BONDS--ISSUANCE, SALE, FORM, TERM, PAYMENT, RESERVES, ACTIONS. To carry out the purposes of this chapter the legislative body of any municipality shall have the power to issue revenue bonds without submitting the matter to the voters of the municipality: PROVIDED, That the legislative body shall create a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the legislative body may obligate the municipality to pay all or part of amounts collected from the special taxes provided for in RCW 67.28.180, and/or to pay such amounts of the gross revenue of all or any part of the facilities constructed, acquired, improved, added to, repaired or replaced pursuant to this chapter, as the legislative body shall determine: PROVIDED, FURTHER, That the principal of and interest on such bonds shall be payable only out of such special fund or funds, and the owners and holders of such bonds shall have a lien and charge against the gross revenue pledged to such fund.

Such revenue bonds and the interest thereon issued against such fund or funds

shall constitute a claim of the holders thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the municipality.

Each such revenue bond shall state upon its face that it is payable from such special fund or funds, and all revenue bonds issued under this chapter shall be negotiable securities within the provisions of the law of this state. Such revenue bonds may be registered either as to principal only or as to principal and interest, or may be bearer bonds; shall be in such denominations as the legislative body shall deem proper; shall be payable at such time or times and at such places as shall be determined by the legislative body; shall be executed in such manner and bear interest at such rate or rates as shall be determined by the legislative body.

Such revenue bonds shall be sold in such manner as the legislative body shall deem to be for the best interests of the municipality, either at public or private sale.

The legislative body may at the time of the issuance of such revenue bonds make such covenants with the purchasers and holders of said bonds as it may deem necessary to secure and guaranty the payment of the principal thereof and the interest thereon, including but not being limited to covenants to set aside adequate reserves to secure or guaranty the payment of such principal and interest, to pledge and apply thereto part or all of any lawfully authorized special taxes provided for in RCW 67.28.180, to maintain rates, charges or rentals sufficient with other available moneys to pay such principal and interest and to maintain adequate coverage over debt service, to appoint a trustee or trustees for the bondholders, to safeguard the expenditure of the proceeds of sale of such bonds and to fix the powers and duties of such trustee or trustees and to make such other covenants as the legislative body may deem necessary to accomplish the most advantageous sale of such bonds. The legislative body may also provide that revenue bonds payable out of the same source may later be issued on a parity with revenue bonds being issued and sold.

The legislative body may include in the principal amount of any such revenue bond issue an amount for engineering, architectural, planning, financial, legal, and other services and charges incident to the acquisition or construction of public stadium facilities and/or convention center facilities, an amount to establish necessary reserves, an amount for working capital and an amount necessary for interest during the period of construction of any facilities to be financed from the proceeds of such issue plus six months. The legislative body may, if it deems it in the best interest of the municipality, provide in any contract for the construction or acquisition of any facilities or

additions or improvements thereto or replacements or extensions thereof that payment therefor shall be made only in such revenue bonds.

If the municipality shall fail to carry out or perform any of its obligations or covenants made in the authorization, issuance and sale of such bonds, the holder of any such bond may bring action against the municipality and compel the performance of any or all of such covenants. [1973 2nd ex.s. c 34 § 3; 1967 c 236 § 9.]

67.28.170 POWER TO LEASE ALL OR PART OF FACILITIES—DISPOSITION OF PROCEEDS. The legislative body of any municipality owning or operating public stadium facilities and/or convention center facilities acquired or developed pursuant to this chapter shall have power to lease to any municipality or person, or to contract for the use or operation by any municipality or person, of all or any part of the stadium facilities and/or convention center facilities authorized by this chapter, including but not limited to parking facilities, concession facilities of all kinds and any property or property rights appurtenant to such stadium facilities and/or convention center facilities, for such period and under such terms and conditions and upon such rentals, fees and charges as such legislative body may determine, and may pledge all or any portion of such rentals, fees and charges and all other revenue derived from the ownership and/or operation of stadium facilities and/or convention center facilities to pay and to secure the payment of general obligation bonds and/or revenue bonds of such municipality issued for authorized public stadium and/or convention center facilities purposes. [1973 2nd ex.s. c 34 § 4; 1967 c 236 § 10.]

67.28.180 SPECIAL EXCISE TAX AUTHORIZED—HOTEL, MOTEL, ROOMING HOUSE, TRAILER CAMP, ETC. CHARGES. The legislative body of any county, and of any city, is authorized to levy and collect, a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: PROVIDED, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same. [1973 2nd ex.s. c 34 § 5; 1970 ex.s. c 89 § 1; 1967 c 236 § 11.]

67.28.210 SPECIAL EXCISE TAX AUTHORIZED—PROCEEDS CREDITED TO SPECIAL FUND—LIMITATION ON USE—INVESTMENT. All taxes levied and collected under RCW 67.28.180

shall be credited to a special fund in the treasury of the county or city imposing such tax. Such taxes shall be levied only for the purpose of paying all or any part of the cost of acquisition, construction, or operating of stadium facilities and/or convention center facilities or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose or purposes under this chapter, and until withdrawn for use, the moneys accumulated in such fund or funds may be invested in interest bearing securities by the county or city treasurer in any manner authorized by law. [1973 2nd ex.s. c 34 § 6; 1970 ex.s. c 89 § 3; 1967 c 236 § 14.]

67.28.911 SEVERABILITY—1973 2ND EX.S. C 34. If any provision of this 1973 amendatory 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. [1973 2nd ex.s. c 34 § 7.]

TITLE 68
CEMETERIES, MORGUES AND HUMAN REMAINS

Sections added, amended, or repealed:

Chapter 68.05 Cemetery Board.

- 68.05.130 Examination of endowment funds and prearrangement trust funds—Expense.
- 68.05.140 Examination expense—Effect of refusal to pay—Disposition.
- 68.05.150 Powers, duties, concerning examination of funds.
- 68.05.160 Action required when authority fails to deposit minimum endowment amount or comply with prearrangement contracts provisions.
- 68.05.180 Annual report of authority—Contents—Verification—Certification.
- 68.05.255 Sale or transfer of cemetery authority—Application for new certificate of authority—Compliance required—Penalty.

Chapter 68.16 Cemetery Districts.

- 68.16.230 Limitation of indebtedness—Limitation of tax levy.

Chapter 68.46 Prearrangement Contracts.

- 68.46.010 Definitions.
- 68.46.020 Prearrangement trust funds—Required.
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- 68.46.070 Involuntary termination of contract—Refund.
- 68.46.080 Other use of trust funds prohibited.
- 68.46.090 Financial reports—Filing.
- 68.46.100 Information to be furnished purchaser.
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Chapter 68.05
CEMETERY BOARD

68.05.130 EXAMINATION OF ENDOWMENT FUNDS AND PREARRANGEMENT TRUST FUNDS—EXPENSE. The board shall examine the endowment care and prearrangement trust fund or funds of a cemetery authority:

(1) Within one year after June 11, 1953 and whenever it deems necessary, but at least once every three years after the original examination;

(2) Whenever the cemetery authority in charge of endowment care or prearrangement trust fund or funds fails to file the reports required by this chapter; or

(3) Whenever it is requested by verified petition signed by twenty-five lot owners alleging that the endowment care funds are not in compliance with this title, or whenever it is requested by verified petition signed by twenty-five purchasers or beneficiaries of prearrangement merchandise or services alleging that the prearrangement trust funds are not in compliance with *this 1973 amendatory act, in either of which cases, the examination shall be at the expense of the petitioners.

(4) The expense of the endowment care examination as provided in subdivisions (1) and (2), not to exceed fifty dollars per day for each examiner engaged in the examination whenever the examination requires more than two days, or the expense of the prearrangement trust examination as provided in subdivisions (1) and (2) of this section, not to exceed one hundred dollars per day for each examiner engaged in the examination shall be paid by the cemetery authority. Such examination shall be privately conducted in the principal office of the cemetery authority. [1973 1st ex.s. c 68 § 12; 1953 c 290 § 42.]

*Reviser's note: "this 1973 amendatory act" [1973 1st ex.s. c 68] consists of chapter 68.46 RCW and the amendments to RCW 68.05.130-68.05.160, 68.05.180 and 68.05.255 by 1973 1st ex.s. c 68.

68.05.140 EXAMINATION EXPENSE—EFFECT OF REFUSAL TO PAY—DISPOSITION. If any cemetery authority refuses to pay any examination expenses in advance, the board shall refuse it a certificate of authority and shall revoke any existing certificate of authority. All examination expense moneys collected by the board shall be paid into the state treasury to the credit of the cemetery fund. [1973 1st ex.s. c 68 § 13; 1953 c 290 § 43.]

68.05.150 POWERS, DUTIES, CONCERNING EXAMINATION OF FUNDS. In making such examination the board:

(1) Shall have free access to the books and records relating to the endowment care funds, their collection and investment, and the number of graves, crypts and niches under endowment care.

(2) Shall inspect and examine the endowment care funds to determine their condition and the existence of the investments.

(3) Shall ascertain if the cemetery authority has complied with all the laws applicable to endowment care funds.

(4) Shall have free access to all records required to be maintained pursuant to *this 1973 amendatory act with respect to prearrangement merchandise or services.

(5) Shall ascertain if the cemetery authority has complied with the laws applicable to prearrangement trust funds. [1973 1st ex.s. c 68 § 14; 1953 c 290 § 44.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 68.05.130.

68.05.160 ACTION REQUIRED WHEN AUTHORITY FAILS TO DEPOSIT MINIMUM ENDOWMENT AMOUNT OR COMPLY WITH PREARRANGEMENT CONTRACTS PROVISIONS. If any examination made by the board, or any report filed with it, shows that there has not been collected and deposited in the endowment care funds the minimum amounts required by this title, or if the board finds that the cemetery authority has failed to comply with the requirements of *this 1973 amendatory act with respect to prearrangement contracts, merchandise or services, and/or prearrangement trust funds, the board shall require such cemetery authority to comply with chapter 68.40 or with *this 1973 amendatory act as the case may be. [1973 1st ex.s. c 68 § 15; 1953 c 290 § 45.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 68.05.130.

68.05.180 ANNUAL REPORT OF AUTHORITY—CONTENTS—VERIFICATION—CERTIFICATION. Each cemetery authority in charge of cemetery endowment care funds shall file with the board annually, on or before the thirtieth day of June, a written report in

form prescribed by the board setting forth:

(1) The number of square feet of grave space and the number of crypts and niches sold or disposed of under endowment care:

(a) From June 12, 1943, to the first day of January of the year preceding the filing of this report.

(b) From the first day of January through the thirty-first day of December of the preceding year.

(2) The amount collected and deposited in both the general and special endowment care funds:

(a) Prior to June 12, 1943.

(b) From June 12, 1943, to the first day of January preceding the filing of this report.

(c) From the first day of January through the thirty-first day of December of the preceding year segregated as to the amounts deposited for crypts, niches, and grave space.

(3) A statement showing the total amount of the general and special endowment care funds invested in each of the investments authorized by law and the amount of cash on hand not invested, which statement shall show the actual financial condition of the funds.

(4) A statement showing the information required to be filed pursuant to RCW 68.46.090.

These reports shall be verified by the president or vice president and one other officer of the cemetery authority and shall be certified by the accountant or auditor preparing the same. [1973 1st ex.s. c 68 § 16; 1953 c 290 § 40.]

68.05.255 SALE OR TRANSFER OF CEMETERY AUTHORITY--APPLICATION FOR NEW CERTIFICATE OF AUTHORITY--COMPLIANCE REQUIRED--PENALTY. Prior to the sale or transfer of ownership or control of any cemetery authority, any person, corporation or other legal entity desiring to acquire such ownership or control shall apply in writing for a new certificate of authority to operate a cemetery and shall comply with all provisions of Title 68 RCW relating to applications for, and the basis for granting, an original certificate of authority. The board shall, in addition, enter any order deemed necessary for the protection of all endowment care funds and/or prearrangement trust fund during such transfer. Persons and business entities selling and persons and business entities purchasing ownership or control of a cemetery authority shall each file an endowment care fund report and/or a prearrangement trust fund report showing the status of such funds immediately before and immediately after such transfer on a written report form prescribed by the board. Failure to comply with this section shall be a gross misdemeanor and any sale or transfer in violation of this section shall be void. [1973 1st ex.s. c 68 § 17; 1969 ex.s. c 99 § 5.]

Chapter 68.16
CEMETERY DISTRICTS

68.16.230 LIMITATION OF INDEBTEDNESS--LIMITATION OF TAX LEVY. The board of cemetery commissioners shall have no authority to contract indebtedness in any year in excess of the aggregate amount of the currently levied taxes, which annual tax levy for cemetery district purposes shall not exceed eleven and one-quarter cents per thousand dollars of assessed valuation. [1973 1st ex.s. c 195 § 77; 1947 c 6 § 23; Rem. Supp. 1947 § 3778-172.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195; See notes following RCW 84.52.043.

Chapter 68.46
PREARRANGEMENT CONTRACTS

68.46.010 DEFINITIONS. Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section:

"Prearrangement contract" means a contract for purchase of cemetery merchandise or services, to be furnished at a future date for a specific consideration which is paid in advance by one or more payments in one sum or by installment payments.

"Cemetery merchandise or services" shall mean and include monuments, markers, memorials, nameplates, liners, vaults, boxes, urns, vases, interment services, or any one or more of them.

"Prearrangement trust fund" means all funds required to be maintained in one or more funds for the benefit of beneficiaries by either this chapter or by the terms of a prearrangement contract, as herein defined.

"Depository" means a qualified public depository as defined by RCW 39.58.050, a credit union as governed by chapter 31.12 RCW, a mutual savings bank as governed by Title 32 RCW, and a savings and loan association as governed by Title 33 RCW, in which prearrangement funds are deposited by any cemetery authority. [1973 1st ex.s. c 68 § 1.]

68.46.020 PREARRANGEMENT TRUST FUNDS--REQUIRED. Any cemetery authority selling by prearrangement contracts any merchandise or services shall establish and maintain one or more prearrangement funds for the benefit of beneficiaries of prearrangement contracts. [1973 1st ex.s. c 68 § 2.]

68.46.030 PREARRANGEMENT TRUST FUNDS--DEPOSITS--RETENTION BY CEMETERY AUTHORITY. Fifty percent of all funds collected in payment of each prearrangement contract,

excluding sales tax and endowment care if such charge is made, may be retained by the cemetery authority. Deposits to the prearrangement trust fund shall be made not later than the twentieth day of each month following receipt of each payment as made on the last fifty percent of each prearrangement contract, excluding sales tax and endowment care, if such charge is made. [1973 1st ex.s. c 68 § 3.]

68.46.040 PREARRANGEMENT TRUST FUNDS--DEPOSIT WITH QUALIFIED PUBLIC DEPOSITORY. All prearrangement trust funds shall be deposited in a qualified public depository as defined by RCW 68.46.010. Such savings accounts shall be designated as the prearrangement trust fund of the particular cemetery authority for the benefit of the beneficiaries named in any prearrangement contract. [1973 1st ex.s. c 68 § 4.]

68.46.050 WITHDRAWALS FROM TRUST FUNDS. A bank, trust company, or savings and loan association designated as the depository of prearrangement funds shall permit withdrawal by a cemetery authority of all funds deposited under any specific prearrangement contract plus interest accrued thereon, under the following circumstances and conditions:

(1) If the cemetery authority files a verified statement with the depository that the prearrangement merchandise and services covered by a contract have been furnished and delivered in accordance therewith; or

(2) If the cemetery authority files a verified statement that a specific prearrangement contract has been canceled in accordance with its terms. [1973 1st ex.s. c 68 § 5.]

68.46.060 TERMINATION OF CONTRACT BY PURCHASER OR BENEFICIARY. Any purchaser or beneficiary or beneficiaries may, upon written demand of any cemetery authority, demand that any prearrangement contract with such cemetery authority be terminated. In such event, the cemetery authority shall within thirty days refund to such purchaser or beneficiary or beneficiaries all moneys which have been deposited by such cemetery authority with any depository according to the provisions of this chapter, along with such interest as may have been earned by the deposit of such moneys. In any case, where, under a prearrangement contract there is more than one beneficiary, no written demand as provided in this section shall be honored by any cemetery authority unless the written demand provided for herein shall bear the signatures of all of such beneficiaries. [1973 1st ex.s. c 68 § 6.]

68.46.070 INVOLUNTARY TERMINATION OF CONTRACT--REFUND. Prearrangement contracts shall automatically terminate if the cemetery authority shall go out of business, become insolvent or bankrupt, make an assignment for the benefit of creditors, or for any other reason be unable to fulfill the obligations under the contract, in which event, and upon demand by the purchaser or beneficiary or beneficiaries of any prearrangement contract, the depository of the prearrangement funds shall refund to purchasers of prearrangement contracts all funds deposited in accordance with said contracts, unless otherwise ordered by a court of competent jurisdiction. [1973 1st ex.s. c 68 § 7.]

68.46.080 OTHER USE OF TRUST FUNDS PROHIBITED. Prearrangement trust funds shall not be used in any way, directly or indirectly, for the benefit of the cemetery authority or any director, officer, agent or employee of any cemetery authority, including, but not limited to any encumbrance, pledge, or other utilization or prearrangement trust funds as collateral or other security. [1973 1st ex.s. c 68 § 8.]

68.46.090 FINANCIAL REPORTS--FILING. Any cemetery authority selling prearrangement merchandise or other prearrangement services shall file in its office or offices and with the cemetery board a written report upon forms prepared by the cemetery board which shall state the amount of the principle of the prearrangement trust fund or funds, the depository of such fund or funds, and cash on hand which is or may be due to such fund as well as such other information the board may deem appropriate. All information appearing on such written reports shall be revised at least annually and shall be verified by the president, and the secretary or auditor preparing the same. [1973 1st ex.s. c 68 § 9.]

68.46.100 INFORMATION TO BE FURNISHED PURCHASER. Every prearrangement contract shall contain language which informs the purchaser of the prearrangement trust fund and the amount to be deposited in the prearrangement trust fund, which shall not be less than fifty percent of the cash purchase price of the merchandise and services in the contract and shall not include charges for endowment care when included in the purchase price. [1973 1st ex.s. c 68 § 10.]

68.46.110 COMPLIANCE REQUIRED. No cemetery authority shall sell, offer to sell or authorize the sale of cemetery merchandise or services or accept funds in payment of any prearrangement contract,

either directly or indirectly, unless such acts are performed in compliance with *this act, and under the authority of a valid, subsisting and unsuspended certificate of authority to operate a cemetery in this state by the Washington state cemetery board. [1973 1st ex.s. c 68 § 11.]

*Reviser's note: "this act" apparently refers to 1973 1st ex.s. c 68, codified herein as chapter 68.46 RCW and the amendments to RCW 68.05.130-68.05.160, 68.05.180 and 68.05.255 by 1973 1st ex.s. c 68.

TITLE 69
FOOD, DRUGS, COSMETICS, AND POISONS

Sections added, amended, or repealed:

Chapter 69.04 Food, Drug, and Cosmetic Act.

- 69.04.900 Perishable packaged food—Pull date labeling—Definitions.
69.04.905 Perishable packaged food—Pull date labeling—Required.
69.04.910 Perishable packaged food—Pull date labeling—Selling or trading goods beyond pull date—Repackaging to substitute for original date—Exception.
69.04.915 Perishable packaged food—Pull date labeling—Storage—Rules and regulations.
69.04.920 Perishable packaged food—Pull date labeling—Penalties.

Chapter 69.40 Poisons and Dangerous Drugs.

- 69.40.030 Placing poison or other harmful object or substance in food, drinks, medicine or water—Penalty.
69.40.064 Dangerous drugs—Prescriptions.
69.40.065 Drugs must be possessed in container in which sold or dispensed.

Chapter 69.41 Legend Drugs.

- 69.41.010 Definitions.
69.41.020 Prohibited acts—Information not privileged communication.
69.41.030 Sale, delivery or possession of legend drug without prescription or order prohibited—Exceptions.
69.41.040 Prescription requirements.
69.41.050 Labeling requirements.
69.41.060 Search and seizure.
69.41.070 Penalties.

Chapter 69.50 Uniform Controlled Substances Act.

ARTICLE I—DEFINITIONS

69.50.101 Definitions.

ARTICLE IV—OFFENSES AND PENALTIES

- 69.50.401 Prohibited acts A—Penalties.
69.50.410 Prohibited acts D—Penalties.

Chapter 69.04
FOOD, DRUG, AND COSMETIC ACT

69.04.900 PERISHABLE PACKAGED FOOD—PULL DATE LABELING—DEFINITIONS. For the purpose of RCW 69.04.900 through 69.04.920:

(1) "Perishable packaged food goods" means and includes all foods and beverages, except alcoholic beverages, frozen foods, fresh meat, poultry and fish and a raw agricultural commodity as defined in this chapter, intended for human consumption which are canned, bottled, or packaged other than at the time and point of retail sale, which have a high risk of spoilage within a period of thirty days, and as determined by the director of the department of agriculture by rule and regulation to be perishable.

(2) "Pull date" means the latest date a packaged food product shall be offered for sale to the public.

(3) "Shelf life" means the length of time during which a packaged food product will retain its safe consumption quality if stored under proper temperature conditions. [1973 1st ex.s. c 112 § 1.]

69.04.905 PERISHABLE PACKAGED FOOD—PULL DATE LABELING—REQUIRED. All perishable packaged food goods with a projected shelf life of thirty days or less, which are offered for sale to the public after January 1, 1974 shall state on the package the pull date. The pull date must be stated in day, and month and be in a style and format that is readily decipherable by consumers. No perishable packaged food goods shall be offered for sale after the pull date, except as provided in RCW 69.04.910. [1973 1st ex.s. c 112 § 2.]

69.04.910 PERISHABLE PACKAGED FOOD—PULL DATE LABELING—SELLING OR TRADING GOODS BEYOND PULL DATE—REPACKAGING TO SUBSTITUTE FOR ORIGINAL DATE—EXCEPTION. No person shall sell, trade or barter any perishable packaged food goods beyond the pull date appearing thereon, nor shall any person rewrap or repackage any packaged perishable food goods with the intention of placing a pull date thereon which is different from the original: PROVIDED, HOWEVER, That those packaged perishable food goods whose pull dates have expired may be sold if they are still wholesome and are without danger to health, and are clearly identified as having passed the pull date. [1973 1st ex.s. c 112 § 3.]

69.04.915 PERISHABLE PACKAGED FOOD--
PULL DATE LABELING--STORAGE--RULES AND
REGULATIONS. The director of the department of agriculture shall by rule and regulation establish uniform standards for pull date labeling, and optimum storage conditions of perishable packaged food goods. In addition to his other duties the director, in consultation with the director of the department of social and health services where appropriate, may promulgate such other rules and regulations as may be necessary to carry out the purposes of RCW 69.04.900 through 69.04-.920. [1973 1st ex.s. c 112 § 4.]

69.04.920 PERISHABLE PACKAGED FOOD--
PULL DATE LABELING--PENALTIES. Any person convicted of a violation of RCW 69.04.905 or 69.04.910 shall be punishable by a fine not to exceed five hundred dollars. [1973 1st ex.s. c 112 § 5.]

Chapter 69.40
POISONS AND DANGEROUS DRUGS

69.40.030 PLACING POISON OR OTHER
HARMFUL OBJECT OR SUBSTANCE IN FOOD,
DRINKS, MEDICINE OR WATER--PENALTY. Every person who shall wilfully mingle poison or place any harmful object or substance, including but not limited to pins, tacks, needles, nails, razor blades, wire, or glass in any food, drink, medicine, or other edible substance intended or prepared for the use of a human being or who shall knowingly furnish, with intent to harm another person, any food, drink, medicine, or other edible substance containing such poison or harmful object or substance to another human being, and every person who shall wilfully poison any spring, well or reservoir of water, shall be punished by imprisonment in the state penitentiary for not less than five years or by a fine of not less than one thousand dollars: PROVIDED, HOWEVER, That *this act shall not apply to the employer or employers of a person who violates the provisions contained herein without such employer's knowledge. [1973 c 119 § 1; 1909 c 249 § 264; RRS § 2516. Prior: Code 1881 § 802; 1873 p 185 § 27; 1869 p 202 § 25; 1854 p 79 § 25.]

*Reviser's note: "this act" apparently refers to the amendment to this section by 1973 c 119 § 1.

69.40.064 DANGEROUS DRUGS--PRESCRIP-
TIONS. [1967 c 71 § 3; 1963 c 38 § 22.]
Repealed by 1973 1st ex.s. c 186 § 9.

69.40.065 DRUGS MUST BE POSSESSED IN
CONTAINER IN WHICH SOLD OR DISPENSED.
[1970 ex.s. c 33 § 2.] Repealed by 1973
1st ex.s. c 186 § 9.

Chapter 69.41
LEGEND DRUGS

69.41.010 DEFINITIONS. As used in this chapter:

(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(a) A practitioner; or

(b) The patient or research subject at the direction of the practitioner.

(2) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.

(3) "Dispense" means to deliver a legend drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(4) "Dispenser" means a practitioner who dispenses.

(5) "Distribute" means to deliver other than by administering or dispensing a legend drug.

(6) "Distributor" means a person who distributes.

(7) "Drug" means:

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of man or animals; and

(d) Substances intended for use as a component of any article specified in clause (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.

(8) "Legend drugs" means any drugs which are required by any applicable federal or state law or regulation to be dispensed on prescription only or are restricted to use by practitioners only.

(9) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(10) "Practitioner" means:

(a) A physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatrist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, or a pharmacist under chapter 18.64 RCW.

(b) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a legend drug in the course of professional practice or research in this state. [1973 1st ex.s. c 186 § 1.]

69.41.020 PROHIBITED ACTS--INFORMATION NOT PRIVILEGED COMMUNICATION. Legend drugs shall not be sold, delivered, dispensed or administered except in accordance with this chapter.

(1) No person shall obtain or attempt to obtain a legend drug, or procure or attempt to procure the administration of a legend drug:

(a) By fraud, deceit, misrepresentation, or subterfuge; or

(b) By the forgery or alteration of a prescription or of any written order; or

(c) By the concealment of a material fact; or

(d) By the use of a false name or the giving of a false address.

(2) Information communicated to a practitioner in an effort unlawfully to procure a legend drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(3) No person shall wilfully make a false statement in any prescription, order, report, or record, required by this chapter.

(4) No person shall, for the purpose of obtaining a legend drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, or any practitioner.

(5) No person shall make or utter any false or forged prescription or other written order for legend drugs.

(6) No person shall affix any false or forged label to a package or receptacle containing legend drugs. [1973 1st ex.s. c 186 § 2.]

69.41.030 SALE, DELIVERY OR POSSESSION OF LEGEND DRUG WITHOUT PRESCRIPTION OR ORDER PROHIBITED--EXCEPTIONS. It shall be unlawful for any person to sell, deliver or possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatrist under chapter 18.22 RCW, or a veterinarian under chapter 18.92 RCW: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his license, or to a common or contract carrier or warehouseman, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment. [1973 1st ex.s. c 186 § 3.]

69.41.040 PRESCRIPTION REQUIREMENTS.

A prescription, in order to be effective in legalizing the possession of legend drugs, must be issued for a legitimate medical purpose by one authorized to prescribe the use of such legend drugs. An order purporting to be a prescription issued to a drug abuser or habitual user of legend drugs, not in the course of professional treatment, is not a prescription within the meaning and intent of this section; and the person who knows or should know that he is filling such an order, as well as the person issuing it, may be charged with violation of this chapter. A legitimate medical purpose shall include use in the course of a bona fide research program in conjunction with a hospital or university. [1973 1st ex.s. c 186 § 4.]

69.41.050 LABELING REQUIREMENTS. To every box, bottle, jar, tube or other container of a legend drug, which is dispensed by a practitioner authorized to prescribe legend drugs, there shall be affixed a label bearing the name of the prescriber, complete directions for use, the name of the drug and strength per unit dose, name of patient and date: PROVIDED, That the practitioner may omit the name and dosage of the drug if he determines that his patient should not have this information and that, if the drug dispensed is a trial sample in its original package and which is labeled in accordance with federal law or regulation, there need be set forth additionally only the name of the issuing practitioner and the name of the patient. [1973 1st ex.s. c 186 § 5.]

69.41.060 SEARCH AND SEIZURE. If, upon the sworn complaint of any person, it shall be made to appear to any judge of the superior court or justice of the peace that there is probable cause to believe that any legend drug is being used, manufactured, sold, bartered, exchanged, given away, furnished or otherwise disposed of or kept in violation of the provisions of this chapter, such justice of the peace or judge shall, with or without the approval of the prosecuting attorney, issue a warrant directed to any peace officer in the county, commanding him to search the premises designated and described in such complaint and warrant, and to seize all legend drugs there found, together with the vessels in which they are contained, and all implements, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, giving away, furnishing or otherwise disposing of such legend drugs and to safely keep the same, and to make a return of said warrant within three days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were

found, if any, and if no person be found in the possession of said articles, the returns shall so state. A copy of said warrant shall be served upon the person or persons found in possession of any such legend drugs, furniture or fixtures so seized, and if no person be found in the possession thereof, a copy of said warrant shall be posted on the door of the building or room wherein the same are found, or, if there be no door, then in any conspicuous place upon the premises. [1973 1st ex.s. c 186 § 6.]

69.41.070 PENALTIES. Whoever violates any provision of this chapter shall, upon conviction, be fined and imprisoned as herein provided:

(1) For a violation of RCW 69.41.020, the offender shall be guilty of a felony.

(2) For a violation of RCW 69.41.030 involving the sale, delivery or possession with intent to sell or deliver, the offender shall be guilty of a felony.

(3) For a violation of RCW 69.41.030 involving possession, the offender shall be guilty of a misdemeanor.

(4) For a violation of RCW 69.41.040, the offender shall be guilty of a felony.

(5) For a violation of RCW 69.41.050, the offender shall be guilty of a misdemeanor.

(6) Any offense which is a violation of chapter 69.50 RCW shall not be charged under this chapter. [1973 1st ex.s. c 186 § 7.]

Chapter 69.50
UNIFORM CONTROLLED SUBSTANCES ACT

ARTICLE I—DEFINITIONS

69.50.101 DEFINITIONS. As used in this chapter:

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(1) a practitioner, or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(c) "Bureau" means the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, or its successor agency.

(d) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of Article II.

(e) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without

authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(f) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(g) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(h) "Dispenser" means a practitioner who dispenses.

(i) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(j) "Distributor" means a person who distributes.

(k) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(l) "Immediate precursor" means a substance which the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

(m) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) by a practitioner as an incident to his administering or dispensing of a

controlled substance in the course of his professional practice, or

(2) by a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(n) "Marihuana" means all parts of the plant of the genus *Cannabis* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(o) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(p) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(q) "Opium poppy" means the plant of the genus *Papaver* L., except its seeds, capable of producing an opiate.

(r) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(s) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(t) "Practitioner" means:

(1) A physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a chiropodist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(u) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(v) "State", when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(w) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(x) "Board" means the state board of pharmacy.

(y) "Executive officer" means the executive officer of the state board of pharmacy. [1973 2nd ex.s. c 38 § 1; 1971 ex.s. c 308 § 69.50.101.]

Severability—1973 2nd ex.s. c 38:

"If any of the provisions of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the amendatory act, or the application of the provision to other persons or circumstances, or the act prior to its amendment is not affected." [1973 2nd ex.s. c 38 § 3.] This applies to the amendments to RCW 69.50.101 and 46.61.520 by 1973 2nd ex.s. c 38.

ARTICLE IV—OFFENSES AND PENALTIES

69.50.401 PROHIBITED ACTS A—PENALTIES. (a) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:

(i) a controlled substance classified in Schedule I or II which is a narcotic drug,

is guilty of a crime and upon conviction may be imprisoned for not more than ten years, or fined not more than twenty-five thousand dollars, or both;

(ii) any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(i) a counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(ii) any other counterfeit substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(c) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a crime, and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both, except as provided for in subsection (d) of this section.

(d) Except as provided for in subsection (a) (1) (ii) of this section any person found guilty of possession of forty grams or less of marihuana shall be guilty of a misdemeanor.

This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.410. [1973 2nd ex.s. c 2 § 1; 1971 ex.s. c 308 § 69.50.401.]

69.50.410 PROHIBITED ACTS D—PENALTIES. (1) Except as authorized by this chapter it shall be unlawful for any person to sell for profit any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana.

For the purposes of this section only, the following words and phrases shall have the following meanings:

(a) "To sell" means the passing of title and possession of a controlled substance from the seller to the buyer for a price whether or not the price is paid immediately or at a future date.

(b) "For profit" means the obtaining of anything of value in exchange for a controlled substance.

(c) "Price" means anything of value.

(2) Any person convicted of a violation of subsection (1) of this section shall receive a sentence of not more than five years in a correctional facility of the department of social and health services for the first offense. Any person convicted on a second or subsequent cause, the sale having transpired after prosecution and conviction on the first cause, of subsection (1) of this section shall receive a mandatory sentence of five years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for the second or subsequent violation of subsection (1) of this section.

(3) Any person convicted of a violation of subsection (1) of this section by selling heroin shall receive a mandatory sentence of two years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for such violation. Any person convicted on a second or subsequent sale of heroin, the sale having transpired after prosecution and conviction on the first cause of the sale of heroin shall receive a mandatory sentence of ten years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for this second or subsequent violation: PROVIDED, That the board of prison terms and paroles under RCW 9.95.040 shall not reduce the minimum term imposed for a violation under this subsection.

(4) In addition to the sentences provided in subsection (2) of this section, any person convicted of a violation of subsection (1) of this section shall be fined in an amount calculated to at least eliminate any and all proceeds or profits directly or indirectly gained by such person as a result of sales of controlled substances in violation of the laws of this or other states, or the United States, up to the amount of five hundred thousand dollars on each count.

(5) Any person, addicted to the use of controlled substances, who voluntarily

places himself in the custody of the department of social and health services for the purpose of participating in a rehabilitation program of the department for addicts of controlled substances shall be immune from prosecution for subsection (1) offenses unless a filing of an information or indictment against such person for a violation of subsection (1) of this section is made prior to his voluntary participation in the program of the department of social and health services. All applications for immunity under this section shall be sent to the department of social and health services in Olympia. It shall be the duty of the department to stamp each application received pursuant to this section with the date and time of receipt.

This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.401 as now or hereafter amended. [1973 2nd ex.s. c 2 § 2.]

TITLE 70
PUBLIC HEALTH AND SAFETY

Sections added, amended, or repealed:

Chapter 70.12 Public Health Funds.

70.12.010 County tax levy for public health.

Chapter 70.30 Tuberculosis Hospitals and Facilities.

70.30.061 Admissions to facility.

Chapter 70.32 County and State Tuberculosis Funds.

70.32.010 Tax levy directed—Tuberculosis fund.

70.32.090 Counties where tax levy more than adequate—Surplus for general county or public hospital district purpose.

Chapter 70.33 State Administered Tuberculosis Hospital Facilities.

70.33.020 Secretary's administrative responsibility—Scope.

70.33.030 Medical director—Qualifications—Powers and duties.

70.33.040 Tax levy directed—State services.

70.33.040 Tax levy directed—Proceeds to state—Surplus revenues returned.

Chapter 70.35 Eastern Tuberculosis Hospital District.

70.35.040 Hospital superintendent—Appointment—Compensation—Qualification—Duties.

70.35.070 Tax levy directed—Disposition of funds—Special fund in headquarters county.

Chapter 70.39 Hospital Health Care Services—Hospital Commission.

70.39.010 Purpose.

70.39.020 Definitions.

70.39.030 Hospital commission—Created—Membership.

70.39.040 Hospital commission—Terms—Vacancies.

70.39.050 Hospital commission—Officers—Meetings—Compensation.

70.39.060 Hospital commission—Director—Secretary—Staff—Services.

70.39.070 Technical advisory committee—Members—Terms—Officers—Meetings—Expenses.

70.39.080 Technical advisory committee—Duties.

70.39.090 Hospital commission—Subcommittees.

70.39.100 Uniform system of hospital accounting and reporting.

70.39.110 Annual reports by hospitals.

70.39.120 Hospital costs and finances—Analyses and studies—Reports.

70.39.130 Report to governor and legislature.

70.39.140 Hospital rates—Review and investigation—Costs—Establishment of rates—Recommendation.

70.39.150 Powers and duties of commission.

70.39.160 Changes in rates—Procedure.

70.39.170 Budget—Expenses—Assessments—Hospital commission account.

70.39.180 Rules and regulations—Public hearings—Investigations—Subpoena power.

70.39.190 Review.

70.39.200 Penalties for violations.

70.39.900 Severability—1973 1st ex.s. c 5.

70.39.910 Liberal construction.

Chapter 70.40 Hospital and Medical Facilities Survey and Construction Act.

70.40.150 Hospital and medical facility construction fund—Deposits, use.

Chapter 70.44 Public Hospital Districts.

70.44.060 Powers and duties.

Chapter 70.87 Elevators, Lifting Devices, and Moving Walks.

70.87.010 Definitions.

70.87.030 Director of labor and industries to administer—Rules and regulations.

Chapter 70.89 Safety Glazing Material. (Formerly: Safety Glass In Sliding Glass Doors.)

70.89.005 Purpose.

- 70.89.010 Safety glazing material defined—Types—Tests—Definitions.
- 70.89.020 Glass in sliding doors and assemblies to be of safety glazing material—Identification.
- 70.89.021 Safety glazing material for use in hazardous locations—Labeling requirements.
- 70.89.030 Sales, installations of materials not meeting requirements of RCW 70.89.010 declared unlawful.
- 70.89.031 Sale, fabrication, assembly, installation of other than safety glazing materials in hazardous locations unlawful.
- 70.89.040 Penalty.
- 70.89.050 Employees not liable.
- 70.89.060 Local ordinances superseded.
- 70.89.070 Enforcement of chapter.
- 70.89.910 Construction, effective date, prospective application—1973 1st ex.s. c 2.
- Chapter 70.93 Model Litter Control Act.
- 70.93.910 Alternative to Initiative 40—Placement on ballot—Force and effect of chapter. (See note.)
- Chapter 70.94 Washington Clean Air Act. (Formerly: Air Pollution Control.)
- 70.94.011 Declaration of public policies and purpose—Division of state into two major areas.
- 70.94.050 Tests and surveys—Hearing—Resolution of necessity.
- 70.94.091 Excess tax levy authorized—Election, procedure, expense.
- 70.94.152 Notice may be required of construction of new contaminant source—Submission of plans—Approval, disapproval—Emission control.
- 70.94.155 Control of emissions—Schedules of compliance.
- 70.94.205 Confidentiality of records and information.
- 70.94.334 Appointment of hearing officer—Powers and duties.
- 70.94.430 Penalties.
- 70.94.431 Additional or alternative penalty—Enforcement.
- 70.94.520 Purposes of RCW 70.94.530-70.94.560.
- 70.94.530 Air pollution control districts designated.
- 70.94.540 Divisions—Duties of district offices.
- 70.94.550 First and second class districts defined—Determination of population.
- 70.94.560 Establishment of district offices.
- 70.94.654 Delegation of permit issuance and enforcement to counties.
- 70.94.656 Open burning of field and turf grasses grown for seed—Alternatives—Studies—Funding—Procedures—Limitations.
- 70.94.770 Burning wood by resident of single family residence.
- 70.94.775 Outdoor burning—Fires prohibited.
- 70.94.780 Outdoor burning—Regulation and prohibition.
- 70.94.785 Plans approved pursuant to federal clean air act—Enforcement authority.
- Chapter 70.95A Pollution Control—Municipal Bonding Authority.
- 70.95A.010 Legislative declaration—Liberal construction.
- 70.95A.020 Definitions.
- 70.95A.030 Municipalities—Powers.
- 70.95A.040 Municipalities—Revenue bonds for pollution control facilities—Authorized—Sale, conditions—Form, terms.
- 70.95A.050 Revenue bonds—Security—Scope—Default—Authorization proceedings.
- 70.95A.060 Facilities—Leases authorized.
- 70.95A.070 Facilities—Revenue bonds—Refunding provisions.
- 70.95A.080 Revenue bonds—Disposition of proceeds.
- 70.95A.090 Facilities—Sale or lease—Certain restrictions on municipalities not applicable.
- 70.95A.100 Facilities—Department of ecology certification.
- 70.95A.910 Construction—1973 c 132.
- 70.95A.920 Severability—1973 c 132.
- 70.95A.930 Acquisitions by port districts under RCW 53.08.040—Prior rights or obligations.
- Chapter 70.95B Domestic Waste Treatment Plants—Certification and Regulation of Operators.
- 70.95B.010 Legislative declaration.
- 70.95B.020 Definitions.
- 70.95B.030 Waste treatment plant operators—Certification required.
- 70.95B.040 Administration of chapter—Rules and regulations—Director's duties.
- 70.95B.050 Waste treatment plants—Classification.
- 70.95B.060 Criteria and guidelines.
- 70.95B.070 Board of examiners for wastewater operator certification—Created—Members—Qualifications—Terms—Powers and duties—Per diem and expenses.
- 70.95B.080 Certificates—When examination not required.
- 70.95B.090 Certificates—Issuance and renewal conditions.
- 70.95B.100 Certificates—Revocation procedures.
- 70.95B.110 Administration of chapter—Powers and duties of director.
- 70.95B.120 Violations.
- 70.95B.130 Certificates—Reciprocity with other states.
- 70.95B.140 Penalties for violations—Injunctions.

- 70.95B.150 Administration of chapter—Receipts—Payment to general fund.
 70.95B.900 Effective date—1973 c 139.

Chapter 70.96 Alcoholism.

- 70.96.010 through 70.96.080, 70.96.090 (See note).
 70.96.096 Cities and counties—Eligibility for liquor taxes and profits—Support of alcoholism program required.
 70.96.100 through 70.96.140 (See note).
 70.96.160 County alcoholism administrative board—Members—Qualifications—Terms—Powers, duties—Executive director.
 70.96.900 Severability. (See note.)

Chapter 70.96A Uniform Alcoholism and Intoxication Treatment. (Effective January 1, 1975.)

- 70.96A.070 Citizens advisory council—Qualifications—Duties.

Chapter 70.98 Nuclear Energy and Radiation.

- 70.98.170 Prohibition—Fluoroscopic x-ray shoe-fitting devices.

Chapter 70.110 Flammable Fabrics—Children's Sleepwear.

- 70.110.010 Short title.
 70.110.020 Legislative finding.
 70.110.030 Definitions.
 70.110.040 Compliance required.
 70.110.050 Attorney general or prosecuting attorneys authorized to bring actions to restrain or prevent violations.
 70.110.060 Penalties.
 70.110.070 Strict liability.
 70.110.080 Personal service of process—Jurisdiction of courts.
 70.110.900 Provisions additional.
 70.110.910 Severability—1973 1st ex.s. c 211.

Cross Reference:

Asbestos, regulation of use: Chapter 49.26 RCW.

Chapter 70.12
 PUBLIC HEALTH FUNDS

70.12.010 COUNTY TAX LEVY FOR PUBLIC HEALTH. Each board of county commissioners shall annually budget and levy as a tax for public health work in its county a sum equal to the amount which would be raised by a levy of four and one-half cents per thousand dollars of assessed value against the taxable property in the county, but nothing herein contained shall prohibit a county from obtaining said public health funds from any other source

of county revenue or from budgeting additional sums for public health work. [1973 2nd ex.s. c 4 § 4; 1973 1st ex.s. c 195 § 78; 1970 ex.s. c 47 § 6; 1943 c 163 § 1; 1939 c 191 § 1; Rem. Supp. 1943 § 3997-2a.]

Emergency and effective dates—1973 2nd ex.s. c 4; See notes following RCW 84.52.043.

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

Chapter 70.30

TUBERCULOSIS HOSPITALS AND FACILITIES

70.30.061 ADMISSIONS TO FACILITY. Any person residing in the state and needing treatment for tuberculosis, may apply in person to the local health officer or to any licensed physician for examination and if such physician has reasonable cause to believe that said person is suffering from tuberculosis in any form he may apply to the local health officer or tuberculosis hospital director for admission of said person to an appropriate facility for the care and treatment of tuberculosis. [1973 1st ex.s. c 213 § 1; 1972 ex.s. c 143 § 2.]

Chapter 70.32

COUNTY AND STATE TUBERCULOSIS FUNDS

70.32.010 TAX LEVY DIRECTED—TUBERCULOSIS FUND. Tuberculosis is a communicable disease and tuberculosis control, case finding, prevention and follow up of known cases of tuberculosis represents the basic step in the conquest of this major health problem. In order to carry on such work effectively, the legislative authority of each county enumerated in RCW 70.33.040 shall budget and shall levy annually a tax in a sum equal to the amount which would be raised by a levy of six and one-quarter cents per thousand dollars of assessed value against the taxable property in any county enumerated in RCW 70.33.040, to be used for the control of tuberculosis, including case finding, prevention and follow up of known cases of tuberculosis: PROVIDED, That upon certification of the secretary that any such county has an unexpended balance from such levy, over and above the amount required for adequate tuberculosis control, including case finding, prevention and follow up of known cases of tuberculosis within such county, the legislative authority may budget and reappropriate the same for such tuberculosis control for the ensuing year, or it may allocate from time to time such unexpended balance, or any portion thereof, to the county health department for use in furtherance of other communicable

disease prevention or control, or as provided in RCW 70.32.090 as now or hereafter amended. The sum herein provided for, and any income that may accrue from miscellaneous receipts in connection with the tuberculosis control program of such county, shall be placed in the county treasury in a special fund to be known as the tuberculosis fund, and obligations incurred for the tuberculosis control program shall be paid from said fund by the county treasurer in the same manner as general county obligations are paid. The county auditor shall furnish to the legislative authority and the department a monthly report of receipts and disbursements in the tuberculosis fund, which report shall also show balances of cash on hand. [1973 1st ex.s. c 195 § 79; 1971 ex.s. c 277 § 21; 1970 ex.s. c 47 § 7; 1967 ex.s. c 110 § 11; 1959 c 117 § 1; 1945 c 66 § 1; 1943 c 162 § 1; Rem. Supp. 1945 § 6113-1.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

70.32.090 COUNTIES WHERE TAX LEVY MORE THAN ADEQUATE—SURPLUS FOR GENERAL COUNTY OR PUBLIC HOSPITAL DISTRICT PURPOSE. In any county enumerated in RCW 70.33.040 where the secretary has certified that the proceeds of the six and one-quarter cents per thousand dollars of assessed value tax levy is more than adequate to provide for tuberculosis control, including case finding, prevention, and follow-up of known cases of tuberculosis in the county, the legislative authority, after a special public hearing conducted in accordance with the procedures established for hearings on budgetary matters as delineated in RCW 36.40.060 and 36.40.070 and upon making a finding that an adequate general public health program is being carried out in the county, may budget and reappropriate such surplus funds from the six and one-quarter cents per thousand dollars of assessed value tax levy for the ensuing year to the county treasury for general purposes of the county, as authorized by law, or the legislative authority in its discretion may budget, reappropriate and transfer such surplus fund to any public hospital district within the county. [1973 1st ex.s. c 195 § 80; 1971 ex.s. c 277 § 24; 1967 ex.s. c 110 § 15; 1961 c 101 § 1; 1959 c 117 § 3.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043

Chapter 70.33
STATE ADMINISTERED TUBERCULOSIS HOSPITAL
FACILITIES

70.33.020 SECRETARY'S ADMINISTRATIVE RESPONSIBILITY—SCOPE. From and after August 9, 1971, the secretary shall have responsibility for establishing standards for the control, prevention and treatment of tuberculosis and shall have administrative responsibility and control for all tuberculosis hospital facilities in the state operated pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090 and for providing, either directly or through agreement, contract or purchase, hospital, nursing home and other appropriate facilities and services including laboratory services for persons who are, or may be suffering from tuberculosis except as otherwise provided by RCW 70.30.061, 70.33.020, 70.33.030, 70.33.040 and 70.35.040.

Pursuant to that responsibility, the secretary shall have the following powers and duties:

(1) To develop and enter into such agreements, contracts or purchase arrangements with counties and public and private agencies or institutions to provide for hospitalization, nursing home or other appropriate facilities and services for persons who are or may be suffering from tuberculosis, or to provide for and maintain any tuberculosis hospital facility which the secretary determines is necessary to meet the needs of the state, to determine where such hospitals shall be located and to adequately staff such hospitals to meet patient care needs;

(2) To appoint a medical director for each tuberculosis hospital facility operated pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090;

(3) Adopt such rules and regulations as are necessary to assure effective patient care and treatment, and to provide for the general administration of tuberculosis hospital facilities operated pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090. [1973 1st ex.s. c 213 § 2; 1971 ex.s. c 277 § 16.]

70.33.030 MEDICAL DIRECTOR—QUALIFICATIONS—POWERS AND DUTIES. The medical director of any tuberculosis hospital facility operated pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090 and RCW 70.30.061, 70.33.020, 70.33.030, 70.33.040 and 70.35.040 shall be a qualified and licensed practitioner of medicine and shall have the following powers and duties:

(1) To provide for the administration of the hospital according to the rules and regulations adopted by the department;

(2) To adopt and publish such rules and regulations governing the administration of the hospital as are deemed necessary:

PROVIDED, That such rules and regulations are not in conflict with those adopted by the department and have the written approval of the secretary. [1973 1st ex.s. c 213 § 3; 1971 ex.s. c 277 § 17.]

70.33.040 TAX LEVY DIRECTED--STATE SERVICES (AS AMENDED BY 1973 1ST EX.S. C 213 § 4). In order to maintain adequate tuberculosis hospital facilities and to provide for adequate hospitalization, nursing home and other appropriate facilities and services for the residents of the state of Washington who are or may be suffering from tuberculosis and to assure their proper care pursuant to this chapter, the standards set by the secretary pursuant to RCW 70.33.020 and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090, the legislative authority of Clallam, Jefferson, Kitsap, Mason, Grays Harbor, Thurston, Pacific, Lewis, Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, Pierce, King, Snohomish, Skagit, Whatcom, San Juan and Island counties shall levy annually a tax in the sum equal to the amount which would be raised by a levy of one-sixteenth mill against the actual value of the taxable property in the county.

If such counties desire to receive state services, they may elect to utilize funds collected pursuant to this section for the purpose of contracting with the state upon agreement by the state for the cost of providing tuberculosis hospitalization and/or outpatient treatment including laboratory services, or such funds may be retained by the county for operating its own services for the prevention and treatment of tuberculosis or any other community health purposes authorized by law. None of such counties shall be required to make any payments to the state or any other agency from these funds except upon the express consent of the county legislative authority: PROVIDED, That if the counties do not comply with the promulgated standards of the department the secretary shall take action to provide such required services and to charge the affected county directly for the provision of these services by the state. [1973 1st ex.s. c 213 § 4; 1971 ex.s. c 277 § 18.]

Reviser's note: RCW 70.33.040 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

70.33.040 TAX LEVY DIRECTED--PROCEEDS TO STATE--SURPLUS REVENUES RETURNED (AS AMENDED BY 1973 1ST EX.S. C 195 § 81). In order to maintain adequate tuberculosis hospital facilities for the residents of the state of Washington and to assure their proper care pursuant to this chapter

and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090, the legislative authority of Clallam, Jefferson, Kitsap, Mason, Grays Harbor, Thurston, Pacific, Lewis, Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, Pierce, King, Snohomish, Skagit, Whatcom, San Juan and Island counties shall, levy annually a tax in the sum equal to the amount which would be raised by a levy of six and one-quarter cents per thousand dollars of assessed value against the taxable property in the county. Upon collection such sum shall be paid to the state to be used for the cost of maintaining and operating tuberculosis hospital facilities operated pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090. All other sources of revenue in tuberculosis hospital facilities operated pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090 shall be collected by such tuberculosis hospital facilities.

There is hereby appropriated to the department such revenue as is collected resulting from the six and one-quarter cents per thousand dollars of assessed value levy provided for herein, and the collections made by the tuberculosis hospital facilities. Such appropriations to the department shall be used for the cost of maintaining and operating tuberculosis hospital facilities pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090: PROVIDED, That in the event that the revenues collected under this section exceed the cost of hospitalization, surplus revenues will be returned to the counties in proportion to the property taxes collected from those counties. [1973 1st ex.s. c 195 § 81; 1971 ex.s. c 277 § 18.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Reviser's note: RCW 70.33.040 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

Chapter 70.35

EASTERN TUBERCULOSIS HOSPITAL DISTRICT

70.35.040 HOSPITAL SUPERINTENDENT--APPOINTMENT--COMPENSATION--QUALIFICATION--DUTIES. The district commission shall appoint and determine the compensation of a hospital superintendent for the district who shall serve at the pleasure of the commission and be a physician duly licensed in this state and qualified in public health and/or specializing in the care of tuberculosis. Such superintendent shall act as administrative officer for the commission, shall be the tuberculosis

control officer for the district, and shall be empowered to employ such technical and other personnel as approved by such commission. [1973 1st ex.s. c 213 § 5; 1971 ex.s. c 277 § 8.]

70.35.070 TAX LEVY DIRECTED--DISPOSITION OF FUNDS--SPECIAL FUND IN HEADQUARTERS COUNTY. Tuberculosis is a communicable disease and tuberculosis control, including hospitalization, case finding, prevention and follow-up of known cases of tuberculosis represent the basic step in the conquest of this major health problem. In order to carry on work effectively in these fields there shall be levied for tuberculosis hospital district purposes in the district annually a tax in a sum equal to the amount which would be raised by a levy of twelve and one-half cents per thousand dollars of assessed value against the taxable property in the district, or the equivalent thereof, such levy to be made by the board of county commissioners in each county constituting the district, fifty percent of the receipts therefrom to be forwarded quarterly in January, April, July and October of each year by the treasurers of such county, other than the headquarters county where tuberculosis control activities will be carried out by the hospital, to the treasurer of the headquarters district county, who shall be treasurer for the district. The retained fifty percent of the funds are to be used by the chief health officers to carry out tuberculosis control on a local county level pursuant to rules and regulations adopted by the district commission. The sum herein provided for, and any income that may occur from miscellaneous receipts in connection with the aforesaid programs shall be placed in a special fund in the treasury of the headquarters county and obligations incurred for such programs shall be paid from such fund upon order of the district commissioners by the treasurer in the same manner as general county obligations are paid. [1973 1st ex.s. c 195 § 82; 1972 ex.s. c 143 § 1; 1971 ex.s. c 277 § 11.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

Chapter 70.39

HOSPITAL HEALTH CARE SERVICES—HOSPITAL COMMISSION

70.39.010 PURPOSE. The primary purpose of this chapter is to promote the economic delivery of high quality and effective hospital health care services to the people by establishing a hospital commission with authority over financial disclosure and budget and prospective rate review and other related matters, which will assure all purchasers of hospital

health care services that total hospital costs are reasonably related to total services, that hospital rates are reasonably related to aggregate costs, and that such rates are set equitably among all purchasers of these services without undue discrimination.

The legislature finds and declares that rising hospital costs are a vital concern to the people of this state because of the danger which is posed that hospital and health care services are fast becoming out of the economic reach of the majority of our population. It is further declared that health care is a right of the people and one of the primary purposes for which governments are established, and it is, therefore, essential that an effective cost control program be established which will both enable and motivate hospitals to control their spiraling costs. It is the legislative intent, in pursuance of this declared public policy, to provide for uniform measures on a state-wide basis to control hospital costs without the sacrifice of quality of service. [1973 1st ex.s. c 5 § 2.]

70.39.020 DEFINITIONS. As used in this chapter:

(1) "Commission" means the hospital commission of the state of Washington as created by this chapter;

(2) "Consumer" means any person whose occupation is other than the administration of health activities or the providing of health services, who has no fiduciary obligation to a health facility or other health agency, and who has no material financial interest in the rendering of health services;

(3) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020 (2); or as a psychiatric hospital under chapter 71.12 RCW, but shall not include any health care institution conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any church or denomination. [1973 1st ex.s. c 5 § 3.]

70.39.030 HOSPITAL COMMISSION—CREATED—MEMBERSHIP. There is hereby created a hospital commission, which shall be a separate and independent commission of the state. The commission shall be composed of five members appointed by the governor, and generally representative of the public as consumers, labor, business, and hospitals, and shall be individuals concerned with the delivery of quality health care; but in no event shall more than two members have any fiduciary obligation to a health facility or other health agency, nor any direct financial interest in the rendering of health services. In cases when proposed rate increases for osteopathic hospitals are to be considered, the representative of osteopathic hospitals on

the technical advisory committee shall replace a hospital representative on the commission. [1973 1st ex.s. c 5 § 4.]

70.39.040 HOSPITAL COMMISSION--TERMS--VACANCIES. Members of the commission shall serve for four-year terms and shall require senate confirmation. No member shall serve on the commission for more than two consecutive terms. A vacancy shall be filled by appointment for the remainder of the unexpired term and the initial appointments and vacancies shall not require senate confirmation until the legislature next convenes. [1973 1st ex.s. c 5 § 5.]

70.39.050 HOSPITAL COMMISSION--OFFICERS--MEETINGS--COMPENSATION. The member representing consumers of health care services shall serve as chairman. The commission shall elect from its members a vice-chairman biennially. Meetings of the commission shall be held as frequently as its duties require. The commission shall keep minutes of its meetings and adopt procedures for the governing of its meetings, minutes, and transactions.

Three members shall constitute a quorum, but a vacancy on the commission shall not impair its power to act. No action of the commission shall be effective unless three members concur therein.

The members of the commission shall receive no compensation but shall be reimbursed for their expenses while attending meetings of the commission in the same manner as legislators engaged in interim committee business as in RCW 44.04.120. [1973 1st ex.s. c 5 § 6.]

70.39.060 HOSPITAL COMMISSION--DIRECTOR--SECRETARY--STAFF--SERVICES. The commission shall appoint a full time executive director and a deputy director and confidential secretary who shall be exempt from the civil service law, chapter 41.06 RCW and who shall perform the duties delegated by the commission. The executive director shall be the chief administrative officer of the commission and shall be subject to its direction.

The secretary of the department of social and health services shall employ and furnish such other staff as are necessary to fulfill the responsibilities and duties of the commission, such staff to be subject to the civil service law, chapter 41.06 RCW, and under the supervision of the commission and its executive director. In addition, the commission may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise.

Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made

available to it under its contractual responsibility, without specific permission of the commission.

The commission may apply for and receive and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to hospital health care costs. [1973 1st ex.s. c 5 § 7.]

70.39.070 TECHNICAL ADVISORY COMMITTEE--MEMBERS--TERMS--OFFICERS--MEETINGS--EXPENSES. In order to assist the commission in carrying out its duties, the

governor shall appoint a technical advisory committee, hereinafter referred to as "committee", which shall consist of eleven members as follows:

(1) One member who shall be a certified public accountant licensed pursuant to chapter 18.04 RCW and who shall be knowledgeable in the financial affairs of hospitals.

(2) One member who shall be a health care practitioner licensed under the laws of this state and who shall be knowledgeable in hospital administration.

(3) Five members who shall be representative of the interest of investor-owned, district, not-for-profit, osteopathic, and university hospitals.

(4) One member who shall be representative of consumers of health care.

(5) One member who shall be the secretary of the department of social and health services, or his designee, to provide continuing liaison, data and support from those functions of the department which may affect the responsibilities of the commission.

(6) One member who shall be the director of the planning and community affairs agency, or his designee, to provide continuing liaison with the planning efforts of the comprehensive health planning council.

(7) One member of the commission, elected by the commission.

The members shall serve concurrently and shall have four-year terms. Any vacancy shall be filled by appointment by the governor and an appointee selected to fill such vacancy shall hold office for the balance of the term for which his predecessor was appointed. The committee shall elect from its members a chairman and a vice-chairman to serve concurrently with the chairman. The executive director of the commission shall act as executive secretary to the committee, and the commission shall otherwise offer such staff services and supplies as the committee may require to carry out its responsibilities.

The committee shall meet on call of the chairman of the commission, or on request of a majority of the commission. Members of the committee shall serve without

compensation but shall be reimbursed for their expenses in the same manner as members of the commission. [1973 1st ex.s. c 5 § 8.]

70.39.080 TECHNICAL ADVISORY COMMITTEE—DUTIES. The committee shall have the duty upon the request of the commission to consult with and make recommendations to the commission:

- (1) On matters of policy;
- (2) On rules and regulations proposed by the commission to implement this chapter;
- (3) On analyses and studies of hospital health care costs and related matters which may be undertaken by the commission; and
- (4) On such other matters as the commission may refer. [1973 1st ex.s. c 5 § 9.]

70.39.090 HOSPITAL COMMISSION—SUBCOMMITTEES. To further the purposes of this chapter, the commission may create committees from its membership, and may create such ad hoc advisory committees in specialized fields, related to the functions of hospitals, as it deems necessary, to supplement the resources provided by the technical advisory committee. [1973 1st ex.s. c 5 § 10.]

70.39.100 UNIFORM SYSTEM OF HOSPITAL ACCOUNTING AND REPORTING. (1) The commission, after study and in consultation with advisory committees, if any, shall establish by the promulgation of rules and regulations pursuant to the Administrative Procedure Act, chapter 34.04 RCW, a uniform system of accounting and financial reporting, including such cost allocation methods as it may prescribe, by which hospitals shall record their revenues, expenses, other income, other outlays, assets and liabilities, and units of service. All hospitals shall adopt the system for their fiscal year period to be effective at such time and date as the commission shall direct. In determining the effective date for reporting requirements, the commission shall be mindful both of the immediate need for uniform hospital reporting information to effectuate the purposes of this chapter and the administrative and economic difficulties which hospitals may encounter in conversion, but in no event shall such effective date be later than two and one-half years from the date of the formation of the commission.

(2) In establishing such accounting systems and uniform reporting procedures, the commission shall take into consideration:

- (a) Existing systems of accounting and reporting presently utilized by hospitals;
- (b) Differences among hospitals according to size; financial structure; methods

of payment for services; and scope, type, and method of providing services; and

(c) Other pertinent distinguishing factors.

(3) The commission shall, where appropriate, provide for modification, consistent with the purposes of this chapter, of reporting requirements to correctly reflect these differences among hospitals, and to avoid otherwise unduly burdensome costs in meeting the requirements of the uniform system of accounting and financial reporting.

(4) The accounting system, where appropriate, shall be structured so as to establish and differentiate costs incurred for patient-related services rendered by hospitals, as distinguished from those incurred with reference to educational research and other nonpatient-related activities including but not limited to charitable activities of such hospitals. [1973 1st ex.s. c 5 § 11.]

70.39.110 ANNUAL REPORTS BY HOSPITALS.

(1) Each hospital shall file annually with the commission after the close of the fiscal year:

(a) A balance sheet detailing the assets, liabilities, and net worth of the hospital;

(b) A statement of income and expenses;

(c) Such other reports of the costs incurred in rendering services as the commission may prescribe.

(2) Where more than one licensed hospital is operated by the reporting organization, the information required by this section shall be reported for each hospital separately.

(3) The commission shall require certification of specified financial reports by the hospital's certified public accountant, and may require attestation as to such statements from responsible officials of the hospital that such reports have to the best of their knowledge and belief been prepared in accordance with the prescribed system of accounting and reporting.

(4) All reports, except privileged medical information, filed under this chapter shall be open to public inspection.

(5) The commission shall have the right of inspection of hospital books, audits, and records as reasonably necessary to verify hospital reports. [1973 1st ex.s. c 5 § 12.]

70.39.120 HOSPITAL COSTS AND FINANCIAL ANALYSES AND STUDIES—REPORTS.

(1) The commission shall from time to time undertake analyses and studies relating to hospital health care costs and to the financial status of any hospital or hospitals subject to the provisions of this chapter, and may publish and disseminate such information as it deems desirable in the public interest. It shall further

require the filing of information concerning the total financial needs of each hospital and the resources available or expected to become available to meet such needs, including the effect of proposals made by area-wide and state comprehensive health planning agencies.

(2) The commission shall also prepare and file such summaries and compilations or other supplementary reports based on the information filed with the commission hereunder as will advance the purposes of this chapter. [1973 1st ex.s. c 5 § 13.]

70.39.130 REPORT TO GOVERNOR AND LEGISLATURE. The commission shall prepare and, prior to each legislative session beginning in January, transmit to the governor and to members of the legislature an annual report of commission operations and activities for the preceding fiscal year. This report shall include a compilation of all summaries and reports required by this chapter, together with such findings and recommendations as the commission deems necessary. [1973 1st ex.s. c 5 § 14.]

70.39.140 HOSPITAL RATES—REVIEW AND INVESTIGATION—COSTS—ESTABLISHMENT OF RATES—RECOMMENDATION. From and after a date not less than twelve months but not more than twenty-four months after the adoption of the uniform system of accounting and financial reporting required by RCW 70.39.100, as the commission may direct, the commission shall have the power to initiate such reviews or investigations as may be necessary to assure all purchasers of hospital health care services that the total costs of a hospital are reasonably related to the total services offered by that hospital, that the hospital's aggregate revenues as expressed by rates are reasonably related to the hospital's aggregate costs; and that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.

In order to properly discharge these obligations, the commission shall have full power to review projected annual revenues and approve the reasonableness of rates proposed to generate that revenue established or requested by any hospital subject to the provisions of this chapter. No hospital shall charge for services at rates other than those established in accordance with the procedures established hereunder.

In the interest of promoting the most efficient and effective use of hospital health care service, the commission may promote and approve alternative methods of rate determination and payment of an experimental nature that may be in the public interest and consistent with the purposes of this chapter.

For the purposes of the Federal Economic Stabilization Act of 1970, as now or

hereafter amended, the commission shall serve as the state agency responsible for recommending increases in rates for hospital and related health care institutions to the federal price commission or its successor: PROVIDED, HOWEVER, That in cases where the rates of nursing homes or similar health institutions are subject to federal review the members of the commission representing hospitals shall not sit in the proceedings nor vote, and the governor shall appoint an ad hoc member representing nursing homes or similar health institutions in lieu thereof, who shall have the same powers as the other members with respect to such federal review only. [1973 1st ex.s. c 5 § 15.]

70.39.150 POWERS AND DUTIES OF COMMISSION. To properly carry out its authority the commission shall:

(1) Immediately upon July 16, 1973 begin to compile all relevant financial and accounting data in order to have available the statistical information necessary to properly conduct rate review and approval. Such data shall include necessary operating expenses, appropriate expenses incurred for rendering services to patients who cannot or do not pay, all properly incurred interest charges, and reasonable depreciation expenses based on the expected useful life of the property and equipment involved. The commission shall define and prescribe by rule and regulation the types and classes of charges which cannot be changed except as provided by the procedure contained in RCW 70.39-.160 and it shall also obtain from each such hospital a current rate schedule as well as any subsequent amendments or modifications of that schedule as it may require.

(2) Permit any nonprofit hospital subject to the provisions of this chapter to charge reasonable rates which will permit the hospital to render effective and efficient service in the public interest and on a solvent basis.

(3) Permit any proprietary profit-making hospital subject to the provisions of this chapter to charge reasonable rates which will permit the hospital to render effective and efficient service in the public interest and which includes an allowance for a fair return to stockholders based upon actual investment or the fair value of the investment, whichever is less.

(4) Take into account, in the determination of reasonable rates under this section for each hospital, the recommendations of appropriate area-wide and state comprehensive health planning agencies to ensure compliance with Washington comprehensive health planning law, chapter 70.38 RCW.

(5) Permit, in considering a request for change in or initiating a review of rate schedules or other charges, any hospital subject to the provisions of this chapter

to charge rates which will in the aggregate produce sufficient total revenue for the hospital to meet all of the reasonable obligations specified in this chapter. [1973 1st ex.s. c 5 § 16.]

70.39.160 CHANGES IN RATES—PROCEDURE. From and after the date determined by the commission pursuant to RCW 70.39.140, no hospital subject to the provisions of this chapter shall change or amend that schedule of rates and charges of the type and class which cannot be changed without prior approval of the commission, except in accordance with the following procedure:

(1) Any request for a change in rate schedules or other charges must be filed in writing in the form and content prescribed by the commission and with such supporting data as the hospital seeking the change deems appropriate. Unless the commission orders otherwise as provided for in subsection (4) of this section, no hospital shall establish such changes except after notice to the commission of at least thirty days from the time the rate is intended to go into effect. Upon receipt of notice, the commission may suspend the effective date of any proposed change. In any such case a formal written statement of the reasons for the suspension will be promptly submitted to the hospital. Unless suspended, any proposed change shall go into effect upon the date specified in the application.

(2) In any case where such action is deemed necessary, the commission shall promptly, but in any event within thirty days, institute proceedings as to the reasonableness of the proposed changes. The suspension may extend for a period of not more than thirty days beyond the date the change would otherwise go into effect: PROVIDED, That should it be necessary, the commission may extend the suspension for an additional thirty days. After the expiration of ninety days from the date the rate is intended to go into effect the new rate will go into effect, if the commission does not approve, disapprove, or modify the request by that time.

(3) Such proposed changes shall be considered at a public hearing, the time and place of which shall be determined by the commission. The hearing shall be conducted by the commission. Evidence for and against the requested change may be introduced at the time of the hearing by any interested party and witnesses may be heard. The hearing may be conducted without compliance with formal rules of evidence.

(4) The commission may, in its discretion, permit any hospital to make a temporary change in rates which shall be effective immediately upon filing and in advance of any review procedure when it deems it in the public interest to do so. Notwithstanding such temporary change in

rates, the review procedures set out in this section shall be conducted by the commission as soon thereafter as is practicable.

(5) Every decision and order of the commission in any contested proceeding shall be in writing and shall state the grounds for the commission's conclusions. The effects of such orders shall be prospective in nature. [1973 1st ex.s. c 5 § 17.]

70.39.170 BUDGET—EXPENSES—ASSESSMENTS—HOSPITAL COMMISSION ACCOUNT. The commission shall biennially prepare a budget which shall include its estimated income and expenditures for administration and operation for the biennium, to be submitted to the governor for transmittal to the legislature for approval.

Expenses of the commission shall be financed by assessment against hospitals in an amount to be determined biennially by the commission, but not to exceed four one-hundredths of one percent of each hospital's gross operating costs to be levied and collected from and after July 1, 1973 for the provision of hospital services for its last fiscal year ending on or before June 30th of the preceding calendar year. Budgetary requirements in excess of that limit may be financed by a general fund appropriation by the legislature. All moneys collected are to be deposited by the state treasurer in the hospital commission account in the general fund which is hereby created.

Any amounts raised by the collection of assessments from hospitals provided for in this section which are not required to meet appropriations in the budget act for the current fiscal year shall be available to the commission in succeeding years. [1973 1st ex.s. c 5 § 18.]

70.39.180 RULES AND REGULATIONS—PUBLIC HEARINGS—INVESTIGATIONS—SUBPOENA POWER. In addition to the powers granted to the commission elsewhere in this chapter, the commission may:

(1) Adopt, amend, and repeal rules and regulations respecting the exercise of the powers conferred by this chapter, subject to the provisions of the Administrative Procedure Act, chapter 34.04 RCW applicable to the promulgation of rules and regulations.

(2) Hold public hearings, conduct investigations, and subpoena witnesses, papers, records, and documents in connection therewith. The commission may administer oaths or affirmations in any hearing or investigation.

(3) Exercise, subject to the limitations and restrictions herein imposed, all other powers which are reasonably necessary or essential to carry out the expressed objects and purposes of this chapter. [1973 1st ex.s. c 5 § 19.]

70.39.190 REVIEW. Any person aggrieved by a final determination of the commission as to any rule, regulation, or determination under the provisions of this chapter shall be entitled to an administrative hearing and judicial review in accordance with the Administrative Procedure Act, chapter 34.04 RCW. [1973 1st ex.s. c 5 § 20.]

70.39.200 PENALTIES FOR VIOLATIONS. Every person who shall violate or knowingly aid and abet the violation of this chapter or any valid orders, rules, or regulations thereunder, or who fails to perform any act which it is herein made his duty to perform shall be guilty of a misdemeanor. Following official notice to the accused by the commission of the existence of an alleged violation, each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of this chapter may be enjoined from continuing such violation. [1973 1st ex.s. c 5 § 21.]

70.39.900 SEVERABILITY—1973 1ST EX.S. C 5. If any provision of this 1973 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. [1973 1st ex.s. c 5 § 22.]

70.39.910 LIBERAL CONSTRUCTION. Consistent with the purposes enumerated in RCW 70.39.010, the provisions of this chapter shall be liberally construed, and shall not be limited by any rule of strict construction. [1973 1st ex.s. c 5 § 23.]

Chapter 70.40

HOSPITAL AND MEDICAL FACILITIES SURVEY AND CONSTRUCTION ACT

70.40.150 HOSPITAL AND MEDICAL FACILITY CONSTRUCTION FUND—DEPOSITS, USE. The secretary is hereby authorized to receive federal funds in behalf of, and transmit them to, such applicants or to approve applicants for federal funds and authorize the payment of such funds directly to such applicants as may be allowed by federal law. To achieve that end there is hereby established, separate and apart from all public moneys and funds of this state, a trust fund to be known as the "hospital and medical facility construction fund", of which the state treasurer shall ex officio be custodian. Moneys received from the federal government for construction projects approved by the surgeon general shall be deposited to the credit of this fund, shall be used solely for

payments due applicants for work performed, or purchases made, in carrying out approved projects. Vouchers covering all payments from the hospital and medical facility construction fund shall be prepared by the department of social and health services and shall bear the signature of the secretary or his duly authorized agent for such purpose, and warrants therefor shall be signed by the state treasurer. [1973 c 106 § 31; 1959 c 252 § 11; 1949 c 197 § 15; Rem. Supp. 1949 § 6090-74.]

Chapter 70.44

PUBLIC HOSPITAL DISTRICTS

70.44.060 POWERS AND DUTIES. All public hospital districts organized under the provisions of this chapter shall have power:

(1) To make a survey of existing hospital facilities within and without such district.

(2) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, property, property rights, equipment, hospital facilities and systems for the maintenance of hospitals, buildings, structures and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: PROVIDED, That no public hospital district shall have the right of eminent domain and the power of condemnation against any hospital clinic or sanatorium operated as a charitable, nonprofit establishment or against a hospital clinic or sanatorium operated by a religious group or organization: AND PROVIDED, FURTHER, That no hospital district organized and existing in districts having more than twenty-five thousand population have any of the rights herein enumerated without the prior written consent of all existing hospital facilities within the boundaries of such hospital district.

(3) To lease existing hospital and equipment and/or other property used in connection therewith, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital service for residents of said district in hospitals located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall

have the power to contract with other communities, corporations or individuals for the services provided by said hospital district; and they may further receive in said hospital and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: PROVIDED, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available facilities of said hospitals, at rates set by the district commissioners.

(4) For the purpose aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance, and operation of any such hospital.

(5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals thereof, and to issue (a) revenue bonds therefor payable solely out of a special fund or funds into which the district may pledge such amount of the revenues of the hospitals thereof to pay the same as the commissioners of the district may determine, such revenue bonds, to be issued in the same manner and subject to the same provisions as provided for the issuance of revenue bonds by cities or towns under the Municipal Revenue Bond Act, chapter 35.41 RCW, as may hereafter be amended or (b) general obligation bonds therefor in the manner and form as provided in RCW 70.44.110 to 70.44.130, inclusive, as may hereafter be amended; and to assign or sell hospital accounts receivable for collection with or without recourse.

(6) To raise revenue by the levy of an annual tax on all taxable property within such public hospital district not to exceed seventy-five cents per thousand dollars of assessed value or such further amount as has been or shall be authorized by a vote of the people: PROVIDED FURTHER, That the public hospital districts are hereby authorized to levy such a general tax in excess of said seventy-five cents per thousand dollars of assessed value when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and the laws of the state of Washington now in force or hereafter enacted governing the limitation of tax levies. The said board of district commissioners is hereby authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the hospital district a proposition to levy a tax in excess of the seventy-five cents per thousand dollars of

assessed value herein specifically authorized. The commissioner shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in said county. On the first Monday in October the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper county officer of the county in which such public hospital district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate or rates as authorized by the commission.

(7) To enter into any contract with the United States government or any state, municipality or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this chapter.

(8) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the public hospital district shall be brought in the county in which the public hospital district is located.

(9) To make contracts, employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or literature and to do all other things necessary to carry out the provisions of this chapter. [1973 1st ex.s. c 195 § 83; 1971 ex.s. c 218 § 2; 1970 ex.s. c 56 § 85; 1969 ex.s. c 65 § 1; 1967 c 164 § 7; 1965 c 157 § 2; 1949 c 197 § 18; 1945 c 264 § 6; Rem. Supp. 1949 § 6090-35.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

Chapter 70.87
ELEVATORS, LIFTING DEVICES, AND MOVING
WALKS

70.87.010 DEFINITIONS. For the purposes of this chapter, except where a different interpretation is required by the context:

(1) "Owner" means any person having title to or control of a conveyance, as guardian, trustee, lessee or otherwise;

(2) "Conveyance" means an elevator, escalator, dumbwaiter, belt manlift, automobile parking elevator and moving walk, all as defined herein;

(3) "Existing installations" means all conveyances for which plans were completed and accepted by the owner, or the plans and specifications for which have been filed with and approved by the department of labor and industries before the effective date of this chapter and work on the erection of which was begun not more than twelve months thereafter;

(4) "Elevator" means a hoisting or lowering machine equipped with a car or platform which moves in guides in a substantially vertical direction and which serves two or more floors or landings of a building or structure;

(a) "Passenger elevator" means an elevator on which passengers are permitted to ride and may be used to carry freight or materials when the load carried does not exceed the capacity of the elevator;

(b) "Freight elevator" means an elevator used primarily for carrying freight and on which only the operator, the persons necessary for loading and unloading and such employees as may be approved by the department of labor and industries are permitted to ride;

(c) "Sidewalk elevator" means a freight elevator which operates between a sidewalk or other area exterior to the buildings and floor levels inside the building below such area, which has no landing opening into the building at its upper limit of travel and which is not used to carry automobiles;

(5) "Escalator" means a power driven, inclined, continuous stairway used for raising and lowering passengers;

(6) "Dumbwaiter" means a hoisting and lowering mechanism equipped with a car which moves in guides in a substantially vertical direction, the floor area of which does not exceed nine square feet, whose total inside height, whether or not provided with fixed or removable shelves, does not exceed four feet, the capacity of which does not exceed five hundred pounds and is used exclusively for carrying materials;

(7) "Automobile parking elevator" means an elevator located in either a stationary or horizontally moving hoistway and used exclusively for parking automobiles where, during the parking process, each automobile is moved either under its own power or by means of a power driven transfer

device onto and off the elevator directly into parking spaces or cubicles in line with the elevator and where no persons are normally stationed on any level except the receiving level;

(8) "Moving walk" means a type of passenger carrying device on which passengers stand or walk and whose passenger carrying surface remains parallel to its direction of motion;

(9) "Belt manlift" means a device consisting of a power driven endless belt provided with steps or platforms and hand hold attached to it for the transportation of personnel from floor to floor;

(10) "Division" means the division of industrial safety and health of the department of labor and industries;

(11) "Supervisor" means the supervisor, of the division of industrial safety and health of the department of labor and industries;

(12) "Inspector" means any safety or elevator inspector of the division including assistant and deputy inspectors, or the mechanical or elevator inspectors of the municipality having in effect an elevator ordinance as hereinafter set forth;

(13) "Permit" means a permit issued by the supervisor to construct, install or operate a conveyance.

(14) "One man capacity manlift" means a single passenger, hand powered counterweighted device, or electric powered device, which travels vertically in guides and serves two or more landings. [1973 1st ex.s. c 52 § 9; 1969 ex.s. c 108 § 1; 1963 c 26 § 1.]

Effective date—1973 1st ex.s. c 52:
See note following RCW 43.22.010.

70.87.030 DIRECTOR OF LABOR AND INDUSTRIES TO ADMINISTER—RULES AND REGULATIONS. The director of the department of labor and industries shall administer this chapter through the supervisor of the division of building and construction safety inspection services: PROVIDED, That, except for the new construction thereof, all handpowered elevators, belt manlifts, and one-man capacity manlifts installed in or on grain elevators shall be the responsibility of the division of industrial safety and health of the department of labor and industries. The supervisor shall promulgate and adopt such rules and regulations governing the mechanical and electrical operation, erection, installation, alterations, inspection, acceptance tests, and repair of conveyances as may be necessary and appropriate and shall also promulgate and adopt minimum standards governing existing installations: PROVIDED, That in the execution of this rule making power and prior to the promulgation and adoption of rules and regulations by the supervisor, he shall consider generally the rules and

regulations for the safe mechanical operation, erection, installation, alteration, inspection, and repair of conveyances, including the American Standard Safety Code for Elevators, Dumbwaiters and Escalators, and any amendatory or supplemental provisions thereto, and he shall be guided by the provisions thereof where pertinent and consistent with the purposes of this chapter. The director of the department of labor and industries by rule and regulation shall establish a schedule of fees to pay the costs incurred by the department for the work related to administration and enforcement of this chapter. Nothing in this chapter shall limit the authority of the division to prescribe or enforce general or special safety orders as provided by law. [1973 1st ex.s. c 52 § 10; 1971 c 66 § 1; 1970 ex.s. c 22 § 1; 1963 c 26 § 3.]

Effective date—1973 1st ex.s. c 52:
See RCW 43.22.010.

Chapter 70.89
SAFETY GLAZING MATERIAL
(FORMERLY: SAFETY GLASS IN SLIDING GLASS
DOORS)

70.89.005 PURPOSE. The purpose of this chapter is to protect the consumer by reducing the high incidence of accidental injuries and deaths resulting from the use of ordinary annealed glass or substitutes therefor in hazardous locations. The legislature intends to provide to the homeowner, his family and guests, and to the general public, greater safety by prescribing the labeling and use of safety glazing material in hazardous locations in residential, commercial, industrial, and public buildings. [1973 1st ex.s. c 2 § 1.]

Effective date—1973 1st ex.s. c 2: See RCW 70.89.910.

70.89.010 SAFETY GLAZING MATERIAL DEFINED—TYPES—TESTS—DEFINITIONS. As used in this chapter, unless the context otherwise requires:

(1) "Safety glazing material" means glazing materials, such as tempered glass, laminated glass, or wire glass which meet the test requirements of the American national standards institute standard ANSI-97.1-1972 and such additional requirements as may be prescribed by the director of the department of labor and industries after notice and hearing as required by chapter 34.04 RCW (the administrative procedure act), and which are so constructed, treated or combined with other materials as to minimize the likelihood of injury to persons by these safety glazing materials when they may be cracked or broken.

Materials other than glass which have properties supported by performance data may be approved by the director for use as glazing material.

(2) "Hazardous locations" means those structural elements, glazed or to be glazed in industrial, commercial and public buildings, known as framed or unframed glass entrance doors; and those structural elements, glazed or to be glazed in residential buildings and other structures used as dwellings, industrial buildings, commercial buildings, and public buildings, known as sliding glass doors, storm doors, shower doors, bathtub enclosures, and those fixed glazed panels immediately adjacent to entrance and exit doors which may be mistaken for doors; and any other structural elements, glazed or to be glazed, wherein the use of other than safety glazing materials would constitute an unreasonable hazard as the director of the department of labor and industries may determine after notice and hearings as required by chapter 34.04 RCW (the administrative procedure act); whether or not the glazing in such doors, panels, enclosures and other structural elements is transparent: PROVIDED, HOWEVER, That the replacement of opaque, nontransparent panels in buildings which are completed prior to the effective date of this amendatory act shall not be subject to the provisions of *the act.

(3) "Commercial buildings" means buildings known as wholesale and retail stores and storerooms, and office buildings.

(4) "Public buildings" means buildings known as hotels, hospitals, motels, sanitariums, nursing homes, theatres, stadiums, gymnasiums, amusement park buildings, schools and other buildings used for educational purposes, museums, restaurants, bars, and other buildings of public assembly.

(5) "Residential buildings" means buildings, known as homes, apartments, and dormitories used as dwellings for one or more families or persons.

(6) "Other structures used as dwellings" means mobile homes, manufactured or industrialized housing and lodging homes.

(7) "Industrial buildings" means buildings known as factories.

(8) "Commercial entrance and exit door" means a hinged, pivoting, revolving, or sliding door which is glazed or to be glazed and used alone or in combination with other doors on the interior or exterior wall of a commercial or public building as a means of ingress or egress.

(9) "Primary residential entrance and exit door" means a door (other than doors covered by subsection (10) of this section) which is glazed or to be glazed and used in the exterior wall of a residential building as a means of ingress or egress.

(10) "Storm or combination door" means a door which is glazed or to be glazed, and used in tandem with a primary residential or commercial entrance and exit door to protect the primary residential or

commercial entrance or exit door against weather elements and to improve indoor climate control.

(11) "Bathtub enclosure" means a sliding, pivoting, or hinged door and fixed panels which are glazed or to be glazed and used to form a barrier between the bathtub and the rest of the room areas.

(12) "Shower enclosure" means a hinged, pivoting, or sliding door and fixed panels which are glazed or to be glazed and used to form a barrier between the shower stall and the rest of the room area.

(13) "Sliding glass door units" means an assembly of glazed or to be glazed panels contained in an overall frame installed in residential, commercial or public buildings, and which assembly is so designed that one or more of the panels is movable in a horizontal direction to produce or close off an opening for use as a means of ingress or egress.

(14) "Fixed flat glazed panels immediately adjacent to entrance or exit doors" means the first fixed flat glazed panel on either or both sides of interior or exterior doors, between eighteen and forty-eight inches in width, within six feet horizontally of the nearest vertical edge of the door, but shall not include any glass panel more than eighteen inches above the finished floor walking surface.

(15) "Glazing" means the act of installing and securing glass or other glazing material into prepared openings in structural elements such as doors, enclosures, and panels.

(16) "Glazed" means the accomplished act of glazing.

(17) "Director" means the director of the department of labor and industries of the state of Washington. [1973 1st ex.s. c 2 § 2; 1963 c 128 § 1.]

*Reviser's note: "the act" apparently refers to 1973 1st ex.s. c 2 which consists of RCW 70.89.005, 70.89.021, 70.89.031, 79.89.050-70.89.070 and 70.89.910, the amendments to RCW 70.89.010 and 70.89.040, and to the repeal of RCW 70.89.020 and 70.89.030.

Effective date—1973 1st ex.s. c 2: See RCW 70.89.910.

70.89.020 GLASS IN SLIDING DOORS AND ASSEMBLIES TO BE OF SAFETY GLAZING MATERIAL—IDENTIFICATION. [1963 c 128 § 2.] Repealed by 1973 1st ex.s. c 2 § 9.

70.89.021 SAFETY GLAZING MATERIAL FOR USE IN HAZARDOUS LOCATIONS—LABELING REQUIREMENTS. (1) All safety glazing material manufactured, distributed, imported, or sold for use in hazardous locations or installed in such a location within the state of Washington shall be permanently labeled by such means as etching, sandblasting, firing of ceramic material, hot-

die stamping, on the safety glazing material, or by other suitable means. Each light of safety glazing material installed in a hazardous location within the state, shall have attached a transparent label which shall identify the labeler, whether the manufacturer or installer, and state that "safety glazing material" has been utilized in such installation. The label shall be legible and visible from the inside of the building after installation and shall specify that the label shall not be removed.

The label must be legible and visible after installation.

(2) Such safety glazing labeling shall not be used on other than safety glazing materials.

(3) Permanent labeling of wire glass shall not be required where the seller or installer of such wire glass furnishes to each buyer thereof a certificate stating that such wire glass meets the test requirements set forth in RCW 70.89.010, as now or hereafter amended, when such alternate method is approved by the director of the department of labor and industries. [1973 1st ex.s. c 2 § 3.]

Effective date—1973 1st ex.s. c 2: See RCW 70.89.910.

70.89.030 SALES, INSTALLATIONS OF MATERIALS NOT MEETING REQUIREMENTS OF RCW 70.89.010 DECLARED UNLAWFUL. [1965 c 45 § 1; 1963 c 128 § 3.] Repealed by 1973 1st ex.s. c 2 § 9.

70.89.031 SALE, FABRICATION, ASSEMBLY, INSTALLATION OF OTHER THAN SAFETY GLAZING MATERIALS IN HAZARDOUS LOCATIONS UNLAWFUL. It shall be unlawful within the state of Washington to knowingly sell, fabricate, assemble, glaze or install glazing materials other than safety glazing materials in, or for use in, any hazardous location. [1973 1st ex.s. c 2 § 4.]

Effective date—1973 1st ex.s. c 2: See RCW 70.89.910.

70.89.040 PENALTY. The violation of any provision of this chapter shall constitute a misdemeanor. [1973 1st ex.s. c 2 § 8; 1963 c 128 § 4.]

Effective date—1973 1st ex.s. c 2: See RCW 70.89.910.

70.89.050 EMPLOYEES NOT LIABLE. No liability under this chapter shall be created as to workmen who are employees of a contractor, subcontractor, or other employer responsible for compliance with this chapter. [1973 1st ex.s. c 2 § 5.]

Effective date—1973 1st ex.s. c 2: See RCW 70.89.910.

70.89.060 LOCAL ORDINANCES SUPERSEDED. This chapter shall supersede any local, municipal or county ordinance or parts thereof relating to the subject matter hereof. [1973 1st ex.s. c 2 § 6.]

Effective date—1973 1st ex.s. c 2: See RCW 70.89.910.

70.89.070 ENFORCEMENT OF CHAPTER. Each city, county, or department, agency, or other authority of the state of Washington which inspects the new construction or remodeling of residential, commercial, industrial, or public structures shall in their respective jurisdictions be responsible for the enforcement of this chapter and any regulations made pursuant thereto. [1973 1st ex.s. c 2 § 7.]

Effective date—1973 1st ex.s. c 2: See RCW 70.89.910.

70.89.910 CONSTRUCTION, EFFECTIVE DATE, PROSPECTIVE APPLICATION—1973 1ST EX.S. C 2. It is the intent of the legislature that the application of this act shall be prospective only. The provisions of this 1973 amendatory act shall not take effect until January 1, 1974, and shall not apply to contracts awarded on or before the effective date of this act: PROVIDED, That except for replacement or new installations of materials this 1973 amendatory act shall not apply to buildings or construction completed prior to the effective date of this act. [1973 1st ex.s. c 2 § 10.]

Reviser's note: "this act", "this 1973 amendatory act", see note following RCW 70.89.010.

Chapter 70.93
MODEL LITTER CONTROL ACT

70.93.910 ALTERNATIVE TO INITIATIVE 40—PLACEMENT ON BALLOT—FORCE AND EFFECT OF CHAPTER.

Reviser's note: Chapter 70.93 RCW [1971 ex.s. c 307] was approved and validated at the November 7, 1972 general election as Alternative Measure 40B.

Chapter 70.94
WASHINGTON CLEAN AIR ACT
(FORMERLY: AIR POLLUTION CONTROL)

70.94.011 DECLARATION OF PUBLIC POLICIES AND PURPOSE—DIVISION OF STATE INTO TWO MAJOR AREAS. It is declared to be the public policy of the state to secure and maintain such levels of air quality as will protect human health and safety and

comply with the requirements of the federal clean air act, and, to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of its inhabitants, promote the economic and social development of the state, and facilitate the enjoyment of the natural attractions of the state. The problems and effects of air pollution are frequently regional and interjurisdictional in nature, and are dependent upon the existence of urbanization and industrialization in areas having common topography and recurring weather conditions conducive to the buildup of air contaminants.

It is also declared as public policy that regional air pollution control programs are to be encouraged and supported to the extent practicable as essential instruments for the securing and maintenance of appropriate levels of air quality.

It is also declared to be the public policy of the state to provide for the people of the populous metropolitan regions in the state the means of obtaining air pollution control not adequately provided by existing agencies of local government. For reasons of the present and potential dramatic growth in population, urbanization, and industrialization, the special problem of air resource management, encompassing both corrective and preventive measures for the control of air pollution cannot be adequately met by the individual towns, cities, and counties of many metropolitan regions.

In addition, the state is divided into two major areas, each having unique characteristics as to natural climatic and topographic features which may result in the different potentials for the accumulation and buildup of air contaminant concentrations. These two major areas are the area lying west of the Cascade Mountain crest and the area lying east of the Cascade Mountain crest. Within each of these major areas are regions which, because of the climate and topography and present and potential urbanization and industrial development may, through definitive evaluation be classed as regional air pollution areas.

To these ends it is the purpose of this chapter to provide for a coordinated state-wide program of air pollution prevention and control, for an appropriate distribution of responsibilities between the state, regional, and local units of government, and for cooperation across jurisdictional lines in dealing with problems of air pollution. [1973 1st ex.s. c 193 § 1; 1969 ex.s. c 168 § 1; 1967 c 238 § 1.]

70.94.050 TESTS AND SURVEYS—HEARING—RESOLUTION OF NECESSITY. [1957 c 232 § 5.] Repealed by 1973 1st ex.s. c 193 § 12.

70.94.091 EXCESS TAX LEVY AUTHORIZED--ELECTION, PROCEDURE, EXPENSE. An activated authority shall have the power to levy additional taxes in excess of the constitutional and/or statutory tax limitations for any of the authorized purposes of such activated authority, not in excess of twenty-five cents per thousand dollars of assessed value a year when authorized so to do by the electors of such authority by a three-fifths majority of those voting on the proposition at a special election, to be held in the year in which the levy is made, in the manner set forth in Article VII, section 2 (a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended. Nothing herein shall be construed to prevent holding the foregoing special election at the same time as that fixed for a general election. The expense of all special elections held pursuant to this section shall be paid by the authority. [1973 1st ex.s. c 195 § 84; 1969 ex.s. c 168 § 7; 1967 c 238 § 15.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

70.94.152 NOTICE MAY BE REQUIRED OF CONSTRUCTION OF NEW CONTAMINANT SOURCE--SUBMISSION OF PLANS--APPROVAL, DISAPPROVAL--EMISSION CONTROL. (1) The department of ecology or board of any authority may require notice of the construction, installation, or establishment of any new air contaminant sources except single family and duplex dwellings. The department of ecology or board may require such notice to be accompanied by a fee and determine the amount of such fee: PROVIDED, That the amount of the fee may not exceed the cost of reviewing the plans, specifications, and other information and administering such notice: PROVIDED FURTHER, That any such notice given to either the board or to the department of ecology shall preclude a further notice to be given to any other board or to the department of ecology. Within thirty days of its receipt of such notice, the department of ecology or board may require, as a condition precedent to the construction, installation, or establishment of the air contaminant source or sources covered thereby, the submission of plans, specifications, and such other information as it deems necessary in order to determine whether the proposed construction, installation, or establishment will be in accord with applicable rules and regulations in force pursuant to this chapter, and will provide all known available and reasonable methods of emission control. If on the basis of plans, specifications, or other information required pursuant to this section the department of ecology or board determines that the proposed construction,

installation, or establishment will not be in accord with this chapter or the applicable ordinances, resolutions, rules, and regulations adopted pursuant thereto, or will not provide all known available and reasonable means of emission control, it shall issue an order for the prevention of the construction, installation, or establishment of the air contaminant source or sources. If on the basis of plans, specifications, or other information required pursuant to this section, the department of ecology or board determines that the proposed construction, installation, or establishment will be in accord with this chapter, and the applicable ordinances, resolutions, rules, and regulations adopted pursuant thereto and will provide all known available and reasonable methods of emission control, it shall issue an order of approval of the construction, installation, and establishment of the air contaminant source or sources, which order may provide such conditions of operation as are reasonably necessary to assure the maintenance of compliance with this chapter and the applicable ordinances, resolutions, rules, and regulations adopted pursuant thereto.

(2) For the purposes of this chapter, addition to or enlargement or replacement of an air contaminant source, or any major alteration therein, shall be construed as construction or installation or establishment of a new air contaminant source. The determination, under subsection (1) of this section, of whether a proposed construction, installation, or establishment will be in accord with this chapter and the applicable ordinances, resolutions, rules, and regulations adopted pursuant thereto shall include a determination of whether the operation of the new air contaminant source at the location proposed will cause any ambient air quality standard to be exceeded.

(3) Nothing in this section shall be construed to authorize the department of ecology or board to require the use of emission control equipment or other equipment, machinery, or devices of any particular type, from any particular supplier, or produced by any particular manufacturer.

(4) Any features, machines, and devices constituting parts of or called for by plans, specifications, or other information submitted pursuant to subsection (1) hereof shall be maintained in good working order.

(5) The absence of an ordinance, resolution, rule, or regulation, or the failure to issue an order pursuant to this section shall not relieve any person from his obligation to comply with any emission control requirements or with any other provision of law. [1973 1st ex.s. c 193 § 2; 1969 ex.s. c 168 § 20; 1967 c 238 § 29.]

70.94.155 CONTROL OF EMISSIONS--SCHEDULES OF COMPLIANCE. Whenever any regulation relating to emission standards or other requirements for the control of emissions is adopted which provides for compliance with such standards or requirements no later than a specified time after the date of adoption of the regulation, the appropriate activated air pollution control authority or, if there be none, the department of ecology shall, by regulatory order, issue to air contaminant sources subject to the standards or requirements, schedules of compliance setting forth timetables for the achievement of compliance as expeditiously as practicable but in no case later than the time specified in the regulation. Interim dates in such schedules for the completion of steps of progress toward compliance shall be as enforceable as the final date for full compliance therein. [1973 1st ex.s. c 193 § 3.]

70.94.205 CONFIDENTIALITY OF RECORDS AND INFORMATION. Whenever any records or other information, other than ambient air quality data or emission data, furnished to or obtained by the department of ecology or the board of any authority pursuant to any sections in chapter 70.94 RCW, relate to processes or production unique to the owner or operator, or is likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the department of ecology or board. Nothing herein shall be construed to prevent the use of records or information by the department of ecology or board in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere: PROVIDED, That such analyses or summaries do not reveal any information otherwise confidential under the provisions of this section: PROVIDED FURTHER, That emission data furnished to or obtained by the department of ecology or board shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at offices of the department of ecology or board. [1973 1st ex.s. c 193 § 4; 1969 ex.s. c 168 § 23; 1967 c 238 § 33.]

70.94.334 APPOINTMENT OF HEARING OFFICER--POWERS AND DUTIES. (1) In all instances where the department of ecology or board of any authority is permitted or required to hold hearings under the provisions of this chapter, such hearings shall be held before the department of ecology or board of any authority, or the state board or board of any authority may appoint a hearing officer.

(2) A duly appointed hearing officer shall have all the powers, rights, and duties of the department of ecology or board of any authority relating to the conduct of hearings. [1973 1st ex.s. c 193 § 5; 1969 ex.s. c 168 § 35; 1967 c 238 § 49.]

70.94.430 PENALTIES. Any person who violates any of the provisions of this chapter, or any ordinance, resolution, rule or regulation in force pursuant thereto, other than RCW 70.94.205, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than two hundred fifty dollars, or by imprisonment for not more than ninety days, or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

Any person who wilfully violates any of the provisions of this chapter or any ordinance, resolution, rule or regulation in force pursuant thereto shall be guilty of a gross misdemeanor. Each day upon which such wilful violation occurs shall constitute a separate offense. Upon conviction the offender shall be punished by a fine of not less than one hundred dollars for each offense.

Any person who wilfully violates RCW 70.94.205 or any other provision of *this act shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment for a term of not more than one year or by both fine and imprisonment. [1973 1st ex.s. c 176 § 1; 1967 c 238 § 61.]

*Reviser's note: "this act" apparently consists of the amendments to RCW 70.94.430 and 70.94.431 by 1973 1st ex.s. c 176.

70.94.431 ADDITIONAL OR ALTERNATIVE PENALTY--ENFORCEMENT. In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of chapter 70.94 RCW or any of the rules and regulations of the department or the board shall incur a penalty in the form of a fine in an amount not to exceed two hundred fifty dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalty shall become due and payable when the person incurring the same receives a notice in writing from the director or his designee or the control officer of the authority or

his designee describing the violation with reasonable particularity and advising such person that the penalty is due unless a request is made for a hearing to the hearings board as provided for in chapter 43.21B RCW. When a request is made for a hearing, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order affirming the penalty in whole or part. If the amount of such penalty is not paid to the department or the board within thirty days after it becomes due and payable, and a request for a hearing has not been made, the attorney general, upon the request of the director or his designee, or the attorney for the local authority, upon request of the board or control officer, shall bring an action to recover such penalty in the superior court of the county in which the violation occurred. All penalties recovered under this section by the state board shall be paid into the state treasury and credited to the general fund or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds.

To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

In all actions brought in the superior court for the recovery of penalties hereunder, the procedure and rules of evidence shall be the same as in an ordinary civil action. [1973 1st ex.s. c 176 § 2; 1969 ex.s. c 168 § 53.]

70.94.520 PURPOSES OF RCW 70.94.530-70.94.560. [1969 ex.s. c 168 § 47.] Repealed by 1973 1st ex.s. c 193 § 12.

70.94.530 AIR POLLUTION CONTROL DISTRICTS DESIGNATED. [1969 ex.s. c 168 § 48.] Repealed by 1973 1st ex.s. c 193 § 12.

70.94.540 DIVISIONS—DUTIES OF DISTRICT OFFICES. [1969 ex.s. c 168 § 49.] Repealed by 1973 1st ex.s. c 193 § 12.

70.94.550 FIRST AND SECOND CLASS DISTRICTS DEFINED—DETERMINATION OF POPULATION. [1969 ex.s. c 168 § 50.] Repealed by 1973 1st ex.s. c 193 § 12.

70.94.560 ESTABLISHMENT OF DISTRICT OFFICES. [1969 ex.s. c 168 § 51.] Repealed by 1973 1st ex.s. c 193 § 12.

70.94.654 DELEGATION OF PERMIT ISSUANCE AND ENFORCEMENT TO COUNTIES. Whenever the department of ecology shall find that any county which is outside the

jurisdictional boundaries of an activated air pollution control authority is capable of effectively administering the issuance and enforcement of permits for any or all of the kinds of burning identified in RCW 70.94.650 (1) and (3) and desirous of doing so, the department of ecology may delegate all powers necessary for the issuance and enforcement of permits for any or all of the kinds of burning to the county: PROVIDED, That such delegation may be withdrawn by the department of ecology upon a finding that the county is not effectively administering the permit program. [1973 1st ex.s. c 193 § 6.]

70.94.656 OPEN BURNING OF FIELD AND TURF GRASSES GROWN FOR SEED—ALTERNATIVES—STUDIES—FUNDING—PROCEDURES—LIMITATIONS. It is hereby declared to be the policy of this state that strong efforts should be made to minimize adverse effects on air quality from the open burning of field and turf grasses grown for seed. To such end this section is intended to promote the development of economical and practical alternate agricultural practices to such burning, and to provide for interim regulation of such burning until practical alternates are found.

(1) The department shall approve of a study or studies for the exploration and identification of economical and practical alternate agricultural practices to the open burning of field and turf grasses grown for seed. Prior to the issuance of any permit for such burning under RCW 70.94.650, there shall be collected a fee not to exceed fifty cents per acre of crop to be burned. Any such fees received by any authority shall be transferred to the department of ecology. The department of ecology shall deposit all such acreage fees in a special grass seed burning research account, hereby created, in the general fund. The department shall allocate moneys annually from this account for the support of any approved study or studies as provided for in this subsection. For the conduct of any such study or studies, the department may contract with public or private entities: PROVIDED, That whenever the department of ecology shall conclude that sufficient reasonably available alternates to open burning have been developed, and at such time as all costs of any studies have been paid, the grass seed burning research account shall be dissolved, and any money remaining therein shall revert to the general fund.

(2) Whenever on the basis of information available to it, the department after public hearings have been conducted wherein testimony will be received and considered from interested parties wishing to testify shall conclude that any procedure, program, technique, or device constitutes a practical alternate agricultural practice to the open burning of field or turf grasses grown for seed, the department

shall, by order, certify approval of such alternate. Thereafter, in any case which any such approved alternate is reasonably available, the open burning of field and turf grasses grown for seed shall be disallowed and no permit shall issue therefor.

(3) Until approved alternates become available, the department or the authority may limit the number of acres on a pro rata basis among those affected for which permits to burn will be issued in order to effectively control emissions from this source.

(4) Permits issued for burning of field and turf grasses may be conditioned to minimize emissions insofar as practical, including denial of permission to burn during periods of adverse meteorological conditions. [1973 1st ex.s. c 193 § 7.]

70.94.770 BURNING WOOD BY RESIDENT OF SINGLE FAMILY RESIDENCE. Except as provided in RCW 70.94.775 and 70.94.780, nothing in this chapter or in regulations implementing this chapter shall prevent a resident of a single family residence from burning wood, so long as it has not been treated by an application of prohibitive material or substances, and natural vegetation in the course of maintaining or improving the grounds of such residence: PROVIDED, That the department of ecology or board of any authority may set conditions for such burning so as to reduce the impact on air quality. [1973 1st ex.s. c 193 § 8.]

70.94.775 OUTDOOR BURNING—FIRES PROHIBITED. No person shall cause or allow any outdoor fire:

(1) Containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, or any substance other than natural vegetation which normally emits dense smoke or obnoxious odors except as provided in RCW 70.94.650: PROVIDED, That agricultural heating devices which otherwise meet the requirements of this chapter shall not be considered outdoor fires under this section;

(2) During a forecast, alert, warning or emergency condition as defined in RCW 70.94.715;

(3) In any area which has been designated by the department of ecology or board of an activated authority as an area exceeding or threatening to exceed state or federal ambient air quality standards, or after July 1, 1976, state ambient air quality goals for particulates: PROVIDED, That the provisions of this subsection shall not become effective in relation to instructional fires permitted by RCW 70.94.650 (2) until September 20, 1974. [1973 2nd ex.s. c 11 § 1; 1973 1st ex.s. c 193 § 9.]

70.94.780 OUTDOOR BURNING—REGULATION AND PROHIBITION. In addition to any other powers granted to them by law, the fire protection agency authorized to issue burning permits may regulate or prohibit outdoor burning in order to prevent or abate the nuisances caused by such burning. [1973 1st ex.s. c 193 § 10.]

70.94.785 PLANS APPROVED PURSUANT TO FEDERAL CLEAN AIR ACT—ENFORCEMENT AUTHORITY. Notwithstanding any provision of the law to the contrary, except RCW 70.94.660 through 70.94.690, the department of ecology, upon its approval of any plan (or part thereof) required or permitted under the federal clean air act, shall have the authority to enforce all regulatory provisions within such plan (or part thereof): PROVIDED, That departmental enforcement of any such provision which is within the power of an activated authority to enforce shall be initiated only, when with respect to any source, the authority is not enforcing the provisions and then only after written notice is given the authority. [1973 1st ex.s. c 193 § 11.]

Chapter 70.95A
POLLUTION CONTROL—MUNICIPAL BONDING AUTHORITY

70.95A.010 LEGISLATIVE DECLARATION—LIBERAL CONSTRUCTION. The legislature finds:

(1) That environmental damage seriously endangers the public health and welfare;

(2) That such environmental damage results from air, water, and other resources pollution and from solid waste disposal, noise and other environmental problems;

(3) That to abate or control such environmental damage antipollution devices, equipment, and facilities must be acquired, constructed and installed;

(4) That the method of financing provided in this chapter is in the public interest and serves a public purpose in protecting and promoting the health and welfare of the citizens of the cities, towns, counties, and port districts and of this state by abating or controlling and preventing environmental damage.

This chapter shall be liberally construed to accomplish the intentions expressed in this section. [1973 c 132 § 2.]

70.95A.020 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

(1) "Municipality" shall mean any city, town, county, or port district in the state;

(2) "Facility" or "facilities" shall mean any land, building, structure, machinery, system, fixture, appurtenance, equipment or any combination thereof, or

any interest therein, and all real and personal properties deemed necessary in connection therewith whether or not now in existence, which is used or to be used by any person, corporation or municipality in furtherance of the purpose of abating, controlling or preventing pollution;

(3) "Pollution" shall mean any form of environmental pollution, including but not limited to water pollution, air pollution, land pollution, solid waste disposal, thermal pollution, radiation contamination, or noise pollution;

(4) "Governing body" shall mean the body or bodies in which the legislative powers of the municipality are vested;

(5) "Mortgage" shall mean a mortgage or a mortgage and deed of trust or other security device; and

(6) "Department" shall mean the state department of ecology. [1973 c 132 § 3.]

70.95A.030 MUNICIPALITIES--POWERS. In addition to any other powers which it may now have, each municipality shall have the following powers:

(1) To acquire, whether by construction, purchase, devise, gift or lease, or any one or more of such methods, one or more facilities which shall be located within, or partially within the municipality;

(2) To lease, lease with option to purchase, sell or sell by installment sale, any or all of the facilities upon such terms and conditions as the governing body may deem advisable but which shall at least fully reimburse the municipality for all debt service on any bonds issued to finance the facilities and for all costs incurred by the municipality in financing and operating the facilities and as shall not conflict with the provisions of this chapter;

(3) To issue revenue bonds for the purpose of defraying the cost of acquiring or improving any facility or facilities or refunding any bonds issued for such purpose and to secure the payment of such bonds as provided in this chapter. Revenue bonds may be issued in one or more series or issues where deemed advisable, and each such series or issue may have the same or different maturity dates, interest rates, priorities on revenues available for payment of such bonds and priorities on security available for assuring payment thereof, and such other differing terms and conditions as are deemed necessary and are not in conflict with the provisions of this chapter. [1973 c 132 § 4.]

70.95A.040 MUNICIPALITIES--REVENUE BONDS FOR POLLUTION CONTROL FACILITIES--AUTHORIZED--SALE, CONDITIONS--FORM, TERMS.

(1) All bonds issued by a municipality under the authority of this chapter shall be secured solely by revenues derived from the lease or sale of the facility. Bonds and interest coupons issued under the

authority of this chapter shall not constitute nor give rise to a pecuniary liability of the municipality or a charge against its general credit or taxing powers. Such limitation shall be plainly stated upon the face of each of such bonds.

(2) The bonds referred to in subsection (1) of this section, may (a) be executed and delivered at any time and from time to time, (b) be in such form and denominations, (c) be of such tenor, (d) be in registered or bearer form either as to principal or interest or both, and may provide for conversion between registered and coupon bonds of varying denominations, (e) be payable in such installments and at such time or times not exceeding forty years from their date, (f) be payable at such place or places, (g) bear interest at such rate or rates as may be determined by the governing body, payable at such place or places within or without this state and evidenced in such manner, (h) be redeemable prior to maturity, with or without premium, and (i) contain such provisions not inconsistent herewith, as shall be deemed for the best interest of the municipality and provided for in the proceedings of the governing body whereunder the bonds shall be authorized to be issued.

(3) Any bonds issued under the authority of this chapter, may be sold at public or private sale in such manner and at such time or times as may be determined by the governing body to be most advantageous. The municipality may pay all expenses, premiums and commissions which the governing body may deem necessary or advantageous in connection with the authorization, sale and issuance thereof from the proceeds of the sale of said bonds or from the revenues of the facilities.

(4) All bonds issued under the authority of this chapter, and all interest coupons applicable thereto shall be investment securities within the meaning of the uniform commercial code and shall be deemed to be issued by a political subdivision of the state. [1973 c 132 § 5.]

70.95A.050 REVENUE BONDS--SECURITY--SCOPE--DEFAULT--AUTHORIZATION PROCEEDINGS.

(1) The principal of and interest on any bonds issued under the authority of this chapter (a) shall be secured by a pledge of the revenues derived from the sale or lease of the facilities out of which such bonds shall be made payable, (b) may be secured by a mortgage covering all or any part of the facilities, (c) may be secured by a pledge or assignment of the lease of such facilities, or (d) may be secured by a trust agreement or such other security device as may be deemed most advantageous by the governing body.

(2) The proceedings under which the bonds are authorized to be issued under the provisions of this chapter, and any

mortgage given to secure the same may contain any agreements and provisions customarily contained in instruments securing bonds, including, without limiting the generality of the foregoing, provisions respecting (a) the fixing and collection of rents for any facilities covered by such proceedings or mortgage, (b) the terms to be incorporated in the lease of such facilities, (c) the maintenance and insurance of such facilities, (d) the creation and maintenance of special funds from the revenues of such facilities, and (e) the rights and remedies available in the event of a default to the bondholders or to the trustee under a mortgage or trust agreement, all as the governing body shall deem advisable and as shall not be in conflict with the provisions of this chapter: PROVIDED, That in making any such agreements or provisions a municipality shall not have the power to obligate itself except with respect to the facilities and the application of the revenues therefrom, and shall not have the power to incur a pecuniary liability or a charge upon its general credit or against its taxing powers.

(3) The proceedings authorizing any bonds under the provisions of this chapter and any mortgage securing such bonds may provide that, in the event of a default in the payment of the principal of or the interest on such bonds or in the performance of any agreement contained in such proceedings or mortgage, such payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents and to apply the revenues from the facilities in accordance with such proceedings or the provisions of such mortgage.

(4) Any mortgage made under the provisions of this chapter, to secure bonds issued thereunder, may also provide that, in the event of a default in the payment thereof or the violation of any agreement contained in the mortgage, the mortgage may be foreclosed and the mortgaged property sold under proceedings in equity or in any other manner now or hereafter permitted by law. Such mortgage may also provide that any trustee under such mortgage or the holder of any of the bonds secured thereby may become the purchaser at any foreclosure sale if the highest bidder therefor. No breach of any such agreement shall impose any pecuniary liability upon a municipality or any charge upon their general credit or against their taxing powers.

(5) The proceedings authorizing the issuance of bonds hereunder may provide for the appointment of a trustee or trustees for the protection of the holders of the bonds, whether or not a mortgage is entered into as security for such bonds. Any such trustee may be a bank with trust powers or a trust company and shall be located in the United States, within or without the state of Washington, shall have the immunities, powers and duties

provided in said proceedings, and may, to the extent permitted by such proceedings, hold and invest funds deposited with it in direct obligations of the United States, obligations guaranteed by the United States or certificates of deposit of a bank (including the trustee) which are continuously secured by such obligations of or guaranteed by the United States. Any bank acting as such trustee may, to the extent permitted by such proceedings, buy bonds issued hereunder to the same extent as if it were not such trustee. Said proceedings may provide for one or more co-trustees, and any co-trustee may be any competent individual over the age of twenty-one years or a bank having trust powers or trust company within or without the state. The proceedings authorizing the bonds may provide that some or all of the proceeds of the sale of the bonds, the revenues of any facilities, the proceeds of the sale of any part of a facility, of any insurance policy or of any condemnation award be deposited with the trustee or a co-trustee and applied as provided in said proceedings. [1973 c 132 § 6.]

70.95A.060 FACILITIES—LEASES AUTHORIZED. Prior to the issuance of the bonds authorized by this chapter, the municipality may lease the facilities to a lessee or lessees under an agreement providing for payment to the municipality of such rentals as will be sufficient (a) to pay the principal of and interest on the bonds issued to finance the facilities, (b) to pay the taxes on the facilities, (c) to build up and maintain any reserves deemed by the governing body to be advisable in connection therewith, and (d) unless the agreement of lease obligates the lessees to pay for the maintenance and insurance of the facilities, to pay the costs of maintaining the facilities in good repair and keeping the same properly insured. Subject to the limitations of this chapter, the lease or extensions or modifications thereof may contain such other terms and conditions as may be mutually acceptable to the parties, and notwithstanding any other provisions of law relating to the sale of property owned by municipalities, such lease may contain an option for the lessees to purchase the facilities on such terms and conditions with or without consideration as may be mutually acceptable to the parties. [1973 c 132 § 7.]

70.95A.070 FACILITIES—REVENUE BONDS—REFUNDING PROVISIONS. Any bonds issued under the provisions of this chapter and at any time outstanding may at any time and from time to time be refunded by a municipality by the issuance of its refunding bonds in such amount as the governing body may deem necessary but not exceeding an amount sufficient to refund the principal of the bonds to be so

refunded, together with any unpaid interest thereon and any premiums and commissions necessary to be paid in connection therewith: PROVIDED, That an issue of refunding bonds may be combined with an issue of additional revenue bonds on any facilities. Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof for the payment of the bonds to be refunded thereby, or by exchange of the refunding bonds for the bonds to be refunded thereby: PROVIDED FURTHER, That the holders of any bonds to be so refunded shall not be compelled without their consent to surrender their bonds for payment or exchange except on the terms expressed on the face thereof. Any refunding bonds issued under the authority of this chapter shall be subject to the provisions contained in RCW 70.95A-.040 and may be secured in accordance with the provisions of RCW 70.95A.050. [1973 c 132 § 8.]

70.95A.080 REVENUE BONDS--DISPOSITION OF PROCEEDS. The proceeds from the sale of any bonds issued under authority of this chapter shall be applied only for the purpose for which the bonds were issued: PROVIDED, That any accrued interest and premium received in any such sale shall be applied to the payment of the principal of or the interest on the bonds sold: AND PROVIDED FURTHER, That if for any reason any portion of such proceeds shall not be needed for the purpose for which the bonds were issued, then such unneeded portion of said proceeds shall be applied to the payment of the principal of or the interest on said bonds. The cost of acquiring or improving any facilities shall be deemed to include the following: The actual cost of acquiring or improving real estate for any facilities; the actual cost of construction of all or any part of the facilities which may be constructed, including architects' and engineers' fees, all expenses in connection with the authorization, sale and issuance of the bonds to finance such acquisition or improvements; and the interest on such bonds for a reasonable time prior to construction, during construction, and for a time not exceeding six months after completion of construction. [1973 c 132 § 9.]

70.95A.090 FACILITIES--SALE OR LEASE--CERTAIN RESTRICTIONS ON MUNICIPALITIES NOT APPLICABLE. The facilities shall be constructed, reconstructed, and improved and shall be leased, sold or otherwise disposed of in the manner determined by the governing body in its sole discretion and any requirement of competitive bidding, lease performance bonds or other restriction imposed on the procedure for award of contracts for such purpose or the lease,

sale or other disposition of property of a municipality is not applicable to any action taken under authority of this chapter. [1973 c 132 § 10.]

70.95A.100 FACILITIES--DEPARTMENT OF ECOLOGY CERTIFICATION. Upon request by a municipality or by a user of the facilities the department of ecology may in relation to chapter 54, Laws of 1972 ex. sess. and this chapter issue its certificate stating that the facilities (1) as designed are in furtherance of the purpose of abating, controlling or preventing pollution, and/or (2) as designed or as operated meet state and local requirements for the control of pollution. This section shall not be construed as modifying the provisions of RCW 82.34.030; chapter 70.94 RCW; or chapter 90.48 RCW. [1973 c 132 § 11.]

70.95A.910 CONSTRUCTION--1973 C 132. Nothing in this chapter shall be construed as a restriction or limitation upon any powers which a municipality might otherwise have under any laws of this state, but shall be construed as cumulative. [1973 c 132 § 12.]

70.95A.920 SEVERABILITY--1973 C 132. If any provision of this 1973 act or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this 1973 act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable. [1973 c 132 § 13.]

70.95A.930 ACQUISITIONS BY PORT DISTRICTS UNDER RCW 53.08.040--PRIOR RIGHTS OR OBLIGATIONS. All acquisitions by port districts pursuant to RCW 53.08.040 may, at the option of a port commission, be deemed to be made under this chapter, or under both: PROVIDED, That nothing contained in this chapter shall impair rights or obligations under contracts entered into before March 19, 1973. [1973 c 132 § 14.]

Chapter 70.95B
DOMESTIC WASTE TREATMENT PLANTS--CERTIFICATION AND REGULATION OF OPERATORS

70.95B.010 LEGISLATIVE DECLARATION. The legislature declares that competent operation of waste treatment plants plays an important part in the protection of the environment of the state and therefore it is of vital interest to the public. In order to protect the public health and to conserve and protect the water resources of the state, it is necessary to provide

for the classifying of all domestic wastewater treatment plants; to require the examination and certification of the persons responsible for the supervision and operation of such systems; and to provide for the promulgation of rules and regulations to carry out this chapter. [1973 c 139 § 1.]

Reviser's note: Chapter 139, Laws of 1973 has been codified as chapter 70.95B RCW which appears to be in accordance with code organization. Section 16 of chapter 139 had directed that the chapter be added to Title 43 RCW. For other laws pertaining to environmental protection and pollution control, see chapters 70.93, 70.94, 70.95, 70.95A, and 90.48 RCW.

70.95B.020 DEFINITIONS. As used in this chapter unless context requires another meaning:

(1) "Director" means the director of the department of ecology.

(2) "Department" means the department of ecology.

(3) "Board" means the water and wastewater operator certification board of examiners established by RCW 70.95B.070.

(4) "Certificate" means a certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

(5) "Waste treatment plant" means a facility used in the collection, transmission, storage, pumping, treatment or discharge of any liquid or waterborne waste, whether of domestic origin or a combination of domestic, commercial or industrial waste, and which by its design requires the presence of an operator for its operation. It shall not include any facility used exclusively by a single family residence nor septic tanks with subsoil absorption nor industrial wastewater works.

(6) "Operator" means an individual employed or appointed by any county, sewer district, municipality, public or private corporation, company, institution, person, or the state of Washington who is designated by the employing or appointing officials as the person on-site in responsible charge of the actual operation of a waste treatment plant.

(7) "Nationally recognized association of certification authorities" shall mean that organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and wastewater facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones. [1973 c 139 § 2.]

70.95B.030 WASTE TREATMENT PLANT OPERATORS--CERTIFICATION REQUIRED. As provided for in this chapter, the operator in responsible charge of the day-to-day operation of a waste treatment plant shall be certified. When a waste treatment plant is normally operated for more than one shift, the man responsible for each shift operation shall also be certified. Operating personnel not required to be certified by this chapter are encouraged to become certified hereunder on a voluntary basis. [1973 c 139 § 3.]

70.95B.040 ADMINISTRATION OF CHAPTER--RULES AND REGULATIONS--DIRECTOR'S DUTIES. The director, with the approval of the board, shall adopt and enforce such rules and regulations as may be necessary for the administration of this chapter. The rules and regulations shall include, but not be limited to, provisions for the qualification and certification of operators for different classifications of waste treatment plants. [1973 c 139 § 4.]

70.95B.050 WASTE TREATMENT PLANTS--CLASSIFICATION. The director shall classify all waste treatment plants with regard to the size, type, and other conditions affecting the complexity of such treatment plants and the skill, knowledge, and experience required of an operator to supervise the operation of such facilities to protect the public health and the state's water resources. [1973 c 139 § 5.]

70.95B.060 CRITERIA AND GUIDELINES. The director is authorized when taking action pursuant to RCW 70.95B.040 and 70.95B.050 to consider generally applicable criteria and guidelines developed by a nationally recognized association of certification authorities. [1973 c 139 § 6.]

70.95B.070 BOARD OF EXAMINERS FOR WASTEWATER OPERATOR CERTIFICATION--CREATED--MEMBERS--QUALIFICATIONS--TERMS--POWERS AND DUTIES--PER DIEM AND EXPENSES. For the purpose of carrying out the provisions of this chapter, a board of examiners for wastewater operator certification shall be appointed. This board may serve in a common capacity for the certification of both water and wastewater plant and system operators. One member shall be named from the department of ecology, by its director to serve at his pleasure, and one member from the department of social and health services by its secretary, to serve at his pleasure, and one member who is required to employ a certified operator and who holds the position of city manager, city engineer, director of public works, superintendent of utilities, or an equivalent position who will be appointed by the governor.

The governor shall also appoint two members who are operators holding a certificate of at least the second highest operator classification for wastewater plant operators established by regulation of the director, and if authorized in a water supply system operator certification act, two members who are operators holding a certificate of at least the second highest classification for waterworks operators established pursuant to such act.

The employer representative shall be appointed for an initial one-year term and the operators for initial terms of two and three years respectively. Thereafter, the members appointed by the governor shall serve for a three-year period. Vacancies shall be filled for the remainder for an unexpired term by the appointing authorities.

This board shall assist in the development of rules and regulations, shall prepare, administer and evaluate examinations of operator competency as required in this chapter, and shall recommend the issuance of [or] revocation of certificates. The board shall determine when and where the examinations shall be held. The examination shall be held at least three times annually.

Each member appointed by the governor shall serve without compensation, but shall be reimbursed twenty-five dollars per diem for each day or portion thereof he performs assigned services as a board member, and shall be paid his necessary traveling expenses while engaged in the business of the board as prescribed in chapter 43.03 RCW as now or hereafter amended. [1973 c 139 § 7.]

70.95B.080 CERTIFICATES--WHEN EXAMINATION NOT REQUIRED. Certificates shall be issued without examination under the following conditions:

(1) Certificates, in appropriate classifications, shall be issued without application fee to operators who, on July 1, 1973, hold certificates of competency attained by examination under the voluntary certification program sponsored jointly by the state department of social and health services, health services division, and the Pacific Northwest pollution control association.

(2) Certificates, in appropriate classifications, shall be issued to persons certified by a governing body or owner to have been the operator in responsible charge of a waste treatment plant on July 1, 1973. A certificate so issued will be valid only for the existing plant.

(3) A nonrenewable certificate, temporary in nature, may be issued for a period not to exceed twelve months, to an operator to fill a vacated position required to have a certified operator. Only one such certificate may be issued subsequent to each instance of vacation of any such position. [1973 c 139 § 8.]

70.95B.090 CERTIFICATES--ISSUANCE AND RENEWAL CONDITIONS. The issuance and renewal of a certificate shall be subject to the following conditions:

(1) A certificate shall be issued if the operator has satisfactorily passed a written examination, or has met the requirements of RCW 70.95B.080, and has met the requirements specified in the rules and regulations as authorized by this chapter, and has paid the department an application fee of ten dollars.

(2) The term for all certificates shall be from the first of January of the year of issuance until the thirty-first of December of the same year. Every certificate shall be renewed annually upon the payment of a five dollar renewal fee and satisfactory evidence presented to the director that the operator demonstrates continued professional growth in the field.

(3) An individual who fails to renew the certificate before the end of certification year, upon notice by the director shall have his certificate suspended for thirty days. If, during the suspension period, the renewal is not completed, the director shall give notice of revocation to the employer and to the operator and the certificate will be revoked ten days after such notice is given. An operator whose certificate has been revoked must reapply for certification and will be requested to meet the requirements of a new applicant. [1973 c 139 § 9.]

70.95B.100 CERTIFICATES--REVOCATION PROCEDURES. The director may, with the recommendation of the board and after a hearing before the same, revoke a certificate found to have been obtained by fraud or deceit, or for gross negligence in the operation of a waste treatment plant, or for violating the requirements of this chapter or any lawful rule, order or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for one year from the effective date of this final order or revocation. [1973 c 139 § 10.]

70.95B.110 ADMINISTRATION OF CHAPTER--POWERS AND DUTIES OF DIRECTOR. To carry out the provisions and purposes of this chapter, the director is authorized and empowered to:

(1) Enter into agreements, contracts, or cooperative arrangements, under such terms and conditions as he deems appropriate with other state, federal, or interstate agencies, municipalities, education institutions, or other organizations or individuals.

(2) Receive financial and technical assistance from the federal government and other public or private agencies.

(3) Participate in related programs of the federal government, other states,

interstate agencies, or other public or private agencies or organizations.

(4) Upon request, furnish reports, information, and materials relating to the certification program authorized by this chapter to federal, state, or interstate agencies, municipalities, education institutions, and other organizations and individuals.

(5) Establish adequate fiscal controls and accounting procedures to assure proper disbursement of and accounting for funds appropriated or otherwise provided for the purpose of carrying out the provisions of this chapter. [1973 c 139 § 11.]

70.95B.120 VIOLATIONS. On and after one year following July 1, 1973, it shall be unlawful for any person, firm, corporation, municipal corporation, or other governmental subdivision or agency to operate a waste treatment plant unless the operator of the plant or system is duly certified by the director under the provisions of this chapter or any lawful rule, order, or regulation of the department. It shall also be unlawful for any person to perform the duties of an operator as defined in this chapter, or in any lawful rule, order, or regulation of the department, without being duly certified under the provisions of this chapter. [1973 c 139 § 12.]

70.95B.130 CERTIFICATES--RECIPROCITY WITH OTHER STATES. On or after July 1, 1973, certification of operators by any state which, as determined by the director, accepts certifications made or certification requirements deemed satisfied pursuant to the provisions of this chapter, shall be accorded reciprocal treatment and shall be recognized as valid and sufficient within the purview of this chapter, if in the judgment of the director the certification requirements of such state are substantially equivalent to the requirements of this chapter or any rules or regulations promulgated hereunder.

In making determinations pursuant to this section, the director shall consult with the board and may consider any generally applicable criteria and guidelines developed by the nationally recognized association of certification authorities. [1973 c 139 § 13.]

70.95B.140 PENALTIES FOR VIOLATIONS--INJUNCTIONS. Any person, including any firm, corporation, municipal corporation, or other governmental subdivision or agency violating any provisions of this chapter or the rules and regulations adopted hereunder, is guilty of a misdemeanor. Each day of operation in such violation of this chapter or any rules or regulations adopted hereunder shall constitute a separate offense. Upon conviction, violators shall be fined an amount not exceeding one

hundred dollars for each offense. It shall be the duty of the prosecuting attorney or the attorney general, as appropriate, to secure injunctions of continuing violations of any provisions of this chapter or the rules and regulations adopted hereunder. [1973 c 139 § 14.]

70.95B.150 ADMINISTRATION OF CHAPTER--RECEIPTS--PAYMENT TO GENERAL FUND. All receipts realized in the administration of this chapter shall be paid into the general fund. [1973 c 139 § 15.]

70.95B.900 EFFECTIVE DATE--1973 C 139. This 1973 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 on July 1, 1973. [1973 c 139 § 17.]

Chapter 70.96
ALCOHOLISM

70.96.010 through 70.96.080, 70.96.090..

Reviser's note: The effective date of the repeal of these sections by chapter 122, Laws of 1972 ex. sess. has been changed to January 1, 1975. See note following RCW 70.96A.010.

70.96.096 CITIES AND COUNTIES--ELIGIBILITY FOR LIQUOR TAXES AND PROFITS--SUPPORT OF ALCOHOLISM PROGRAM REQUIRED. In order to be eligible to receive its share of liquor taxes and profits, each city and county shall be required to devote no less than two percent of such share of liquor taxes and profits to the support of an alcoholism program approved by the alcoholism administrative board authorized by RCW 70.96.160 and the secretary of the state department of social and health services. [1973 1st ex.s. c 155 § 3; 1972 ex.s. c 77 § 2.]

70.96.100 through 70.96.140. .

Reviser's note: The effective date of the repeal of these sections by chapter 122, Laws of 1972 ex. sess. has been changed to January 1, 1975. See note following RCW 70.96A.010.

70.96.160 COUNTY ALCOHOLISM ADMINISTRATIVE BOARD--MEMBERS--QUALIFICATIONS--TERMS--POWERS, DUTIES--EXECUTIVE DIRECTOR. Any county or combination of counties acting jointly by agreement, hereinafter referred to as "county", may create an alcoholism administrative board. Such board shall be composed of not less than seven nor more than fifteen members, who

shall be representative of the community, shall include at least two recovered alcoholics, and shall include consumer and minority group representation. No more than four elected or appointed city or county officials may serve on such board at the same time. Members of the board shall serve three year terms and until their successors are appointed and qualified. They shall not be compensated for the performance of their duties as members of the board, but may be paid subsistence rates and mileage in the amounts prescribed by RCW 36.17.030 as now or hereafter amended.

The alcoholism administrative board, the county and the department of social and health services shall, in the area of alcoholism prevention, treatment and education, and the administration, planning and funding thereof, have the same duties, responsibilities, powers, liabilities and authorities as are provided by chapter 71.24 RCW with respect to the mental health administrative board, the county and the department of social and health services.

An executive director of the board may be appointed by the county commissioners subject to the approval of the board. Applicants for such position need not be residents of the county, city or state, and may be employed on a full or part time basis. [1973 1st ex.s. c 155 § 2.]

70.96A.070 CITIZENS ADVISORY COUNCIL--QUALIFICATIONS--DUTIES. Pursuant to the provisions of RCW 43.20A.360, there shall be a citizens advisory council composed of not less than seven nor more than fifteen members, at least two of whom shall be recovered alcoholics and two of whom shall be members of recognized organizations involved with problems of alcoholism. The remaining members shall be broadly representative of the community, shall include representation from business and industry, organized labor, the judiciary, and minority groups, chosen for their demonstrated concern with alcoholism problems. Members shall be appointed by the secretary. In addition to advising the department in carrying out the purposes of this chapter, the council shall develop and propose to the secretary for his consideration the rules and regulations for the implementation of the alcoholism programs of the department. The secretary shall thereafter adopt such rules and regulations as shall, in his judgment properly implement the alcoholism programs of the department consistent with the welfare of those to be served, the legislative intent and the public good. [1973 1st ex.s. c 155 § 1; 1972 ex.s. c 122 § 7.]

Effective date--1972 ex.s. c 122: See note following RCW 70.96A.010.

Chapter 70.98

NUCLEAR ENERGY AND RADIATION

70.96.900 SEVERABILITY.

Reviser's note: The effective date of the repeal of this section by chapter 122, Laws of 1972 ex. sess. has been changed to January 1, 1975. See note following RCW 70.96A.010.

Chapter 70.96A UNIFORM ALCOHOLISM AND INTOXICATION TREATMENT (EFFECTIVE JANUARY 1, 1975)

70.96A.010 DECLARATION OF POLICY.

Effective date--1972 ex.s. c 122. "Chapter 122, Laws of 1972 extraordinary session shall be effective January 1, 1975." [1973 c 92 § 1; 1972 ex.s. c 122 § 31.]

Progress report: "The department of social and health services shall make and deliver a written progress report on the implementation of the uniform alcoholism and intoxication treatment act every ninety days up to the effective date of the act, January 1, 1975 to the appropriate committee of the legislative council, or its successor." [1973 c 92 § 2.]

70.98.170 PROHIBITION--FLUOROSCOPIC X-RAY SHOEFITTING DEVICES. The operation or maintenance of any x-ray, fluoroscopic, or other equipment or apparatus employing roentgen rays, in the fitting of shoes or other footwear or in the viewing of bones in the feet is prohibited. This prohibition does not apply to any licensed physician, surgeon, podiatrist, or any person practicing a licensed healing art, or any technician working under the direct and immediate supervision of such persons. [1973 c 77 § 27; 1961 c 207 § 17.]

Chapter 70.110

FLAMMABLE FABRICS--CHILDREN'S SLEEPWEAR

70.110.010 SHORT TITLE. This chapter may be known and cited as the "Flammable Fabrics Act". [1973 1st ex.s. c 211 § 1.]

70.110.020 LEGISLATIVE FINDING. The legislature hereby finds and declares that fabric related burns from children's sleepwear present an immediate and serious danger to the infants and children of this state. The legislature therefore declares it to be in the public interest, and for the protection of the health, property, and welfare of the residents of this state

to herein provide for flammability standards for children's sleepwear. [1973 1st ex.s. c 211 § 2.]

70.110.030 DEFINITIONS. As used in this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Person" means an individual, partnership, corporation, association, or any other form of business enterprise, and every officer thereof.

(2) "Children's sleepwear" means any product of wearing apparel from infant size up to and including size fourteen which is sold or intended for sale for the primary use of sleeping or activities related to sleeping, such as nightgowns, pajamas, and similar or related items such as robes, but excluding diapers and underwear.

(3) "Fabric" means any material (except fiber, filament, or yarn for other than retail sale) woven, knitted, felted, or otherwise produced from or in combination with any material or synthetic fiber, film, or substitute therefor which is intended for use, or which may reasonably be expected to be used, in children's sleepwear.

(4) The term "infant size up to and including size six-x" means the sizes defined as infant through and including six-x in Department of Commerce Voluntary Standards, Commercial Standard 151-50, "Body Measurements for the Sizing of Apparel for Infants, Babies, Toddlers, and Children", Commercial Standard 153, "Body Measurements for the Sizing of Apparel for Girls", and Commercial Standard 155, "Body Measurements for the Sizing of Boys' Apparel".

(5) "Fabric related burns" means burns that would not have been incurred but for the fact that sleepwear worn at the time of the burns did not comply with commercial standards promulgated by the secretary of commerce of the United States in March, 1971, identified as Standard for the Flammability of Children's Sleepwear (DOC FF 3-71) 36 F.R. 14062 and by the Flammable Fabrics Act 15 U.S.C. 1193. [1973 1st ex.s. c 211 § 3.]

70.110.040 COMPLIANCE REQUIRED. It shall be unlawful to manufacture for sale, sell, or offer for sale any new and unused article of children's sleepwear which does not comply with the standards established in the Standard for the Flammability of Children's Sleepwear (DOC FF 3-71), 36 F.R. 14062 and the Flammable Fabrics Act, 15 U.S.C. 1191-1204. [1973 1st ex.s. c 211 § 4.]

70.110.050 ATTORNEY GENERAL OR PROSECUTING ATTORNEYS AUTHORIZED TO BRING ACTIONS TO RESTRAIN OR PREVENT VIOLATIONS. The attorney general or the prosecuting attorney of any county within the state may bring an action in the name of the state against any person to restrain and prevent any violation of this chapter. [1973 1st ex.s. c 211 § 5.]

70.110.060 PENALTIES. Any violation of this chapter is punishable, upon conviction, by a fine not exceeding five thousand dollars or by confinement in the county jail for not exceeding one year, or both. [1973 1st ex.s. c 211 § 6.]

70.110.070 STRICT LIABILITY. Any person who violates RCW 70.110.040 shall be strictly liable for fabric-related burns. [1973 1st ex.s. c 211 § 7.]

70.110.080 PERSONAL SERVICE OF PROCESS—JURISDICTION OF COURTS. Personal service of any process in an action under this chapter may be made upon any person outside the state if such person has violated any provision of this chapter. Such person shall be deemed to have thereby submitted himself to the jurisdiction of the courts of this state within the meaning of RCW 4.28.180 and 4.28.185, as now or hereafter amended. [1973 1st ex.s. c 211 § 8.]

70.110.900 PROVISIONS ADDITIONAL. The provisions of this chapter shall be in addition to and not a substitution for or limitation of any other law. [1973 1st ex.s. c 211 § 9.]

70.110.910 SEVERABILITY—1973 1ST EX.S. C 211. If any provision of this chapter, or its application to any person or circumstance is held invalid the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected. [1973 1st ex.s. c 211 § 10.]

TITLE 71
MENTAL ILLNESS AND INEBRIACY

Sections added, amended, or repealed:

Chapter 71.02 Mental Illness—Commitment Procedure.

- 71.02.010 Definitions.
- 71.02.020 Construction of chapter—Criminal insane—"Insane" as used in other statutes.
- 71.02.090 Involuntary patients—Application to court for hospitalization.

71.02.100	Involuntary patients—Liability of applicant.	71.05.110	Compensation of appointed counsel.
71.02.110	Involuntary patients—Probate matter—Court commissioners.	71.05.120	Exemptions from liability.
71.02.120	Involuntary patients—Hearing date—Detention pending hearing.	71.05.130	Duty of prosecuting attorney.
71.02.130	Hospital facilities—Examination and treatment of patient—Costs.	71.05.140	Records maintained.
71.02.140	Notice of hearing—Service.	71.05.150	Detention of mentally disordered persons for evaluation and treatment.
71.02.150	Property of patient—Safeguarding.	71.05.160	Application.
71.02.160	Hearings—Time and place—Privacy.	71.05.170	Acceptance of application.
71.02.170	Hearings—Evidence.	71.05.180	Detention for evaluation—Services provided.
71.02.180	Hearings—Subpoenas—Witness fees.	71.05.190	Persons not admitted—Transportation.
71.02.190	Hearings—Representation for patient.	71.05.200	Notice and statement of rights—Probable cause hearing.
71.02.200	Hearings—Order of hospitalization.	71.05.210	Evaluation—Treatment and care—Release or other disposition.
71.02.210	Jury trial—Request for—Date, detention pending.	71.05.220	Property of committed person.
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71.02.230	Liability for detention charges and court costs of persons found mentally ill.	71.05.240	Probable cause hearing.
71.02.240	Order of hospitalization or custody—Inventory of personal effects.	71.05.250	Probable cause hearing—Detained person's rights.
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71.02.260	Alien patients—Report.	71.05.280	Additional confinement—Grounds—Duration.
71.02.270	Orders and reports—Forms.	71.05.290	Petition—Affidavit.
71.02.280	Orders and reports—Copies to hospital—Inadequate reports.	71.05.300	Filing of petition—Service—Advice of rights.
71.02.290	Orders—Execution.	71.05.310	Time for hearing—Due process—Jury trial—Continuation of treatment.
71.02.300	Jurisdiction of court to continue.	71.05.320	Remand for additional treatment—Duration—New petition.
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71.02.650	Legal competency—Effect of application or discharge—Examination before discharge.	71.05.340	Outpatient care—Conditional release—Procedures for revocation.
		71.05.350	Assistance to released persons.
		71.05.360	Rights of involuntarily detained persons.
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		71.05.390	Confidential information and records—Disclosure.
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- 71.05.540 Standards for public and private evaluation and treatment facilities, enforcement procedures—Penalties.
- 71.05.550 Recognition of county financial necessities.
- 71.05.560 Adoption of rules and regulations.
- 71.05.570 Rules of court.
- 71.05.900 Severability—1973 1st ex.s. c 142.
- 71.05.910 Construction.
- 71.05.920 Section headings not part of the law.
- 71.05.930 Effective date—1973 1st ex.s. c 142.

Chapter 71.08 Intoxication and Drunkards.

71.08.010 through 71.08.090 (See note.)

Chapter 71.12 Private Establishments.

- 71.12.560 Voluntary patients—Report.
- 71.12.570 Communications by patients—Rights.
- 71.12.580 Proceedings as to mental condition of patient—Representation of patient—Examination.

Chapter 71.20 State and Local Services for Mentally Retarded Persons.

- 71.20.110 Tax levy directed—Allocation of funds for federal matching funds purposes.

Chapter 71.24 Community Mental Health Services Act.

- 71.24.030 Grants to counties—Programs and services—Inservice training.

Chapter 71.02

MENTAL ILLNESS—COMMITMENT PROCEDURE
(SUCCESSOR LAW: SEE CHAPTER 71.05 RCW)

Cross References:

Criminally insane procedures, rights and responsibilities: Chapter 10.77 RCW.
Mental illness: Chapter 71.05 RCW.

71.02.010 DEFINITIONS. [1959 c 25 § 71.02.010. Prior: 1951 c 139 § 2.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.020 CONSTRUCTION OF CHAPTER—CRIMINAL INSANE—"INSANE" AS USED IN OTHER STATUTES. [1959 c 25 § 71.02.020. Prior: 1951 c 139 § 4; 1949 c 198 § 15; Rem. Supp. 1949 § 6953-15.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.090 INVOLUNTARY PATIENTS—APPLICATION TO COURT FOR HOSPITALIZATION. [1959 c 25 § 71.02.090. Prior: 1957 c 28 § 1; 1951 c 139 § 17; 1949 c 198 § 4; Rem. Supp. 1949 § 6953-4.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.100 INVOLUNTARY PATIENTS—LIABILITY OF APPLICANT. [1959 c 25 § 71.02.100. Prior: 1951 c 139 § 31; 1949 c 198 § 3; Rem. Supp. 1949 § 6953-3.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.110 INVOLUNTARY PATIENTS—PROBATE MATTER—COURT COMMISSIONERS. [1959 c 25 § 71.02.110. Prior: 1951 c 139 § 39.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.120 INVOLUNTARY PATIENTS—HEARING DATE—DETENTION PENDING HEARING. [1959 c 196 § 9; 1959 c 25 § 71.02.120. Prior: 1951 c 139 § 18; 1949 c 198 § 8, part; Rem. Supp. 1949 § 6953-8, part.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.130 HOSPITAL FACILITIES—EXAMINATION AND TREATMENT OF PATIENT—COSTS. [1959 c 196 § 10; 1959 c 25 § 71.02.130. Prior: 1957 c 49 § 1; 1951 c 139 § 28.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.140 NOTICE OF HEARING—SERVICE. [1959 c 25 § 71.02.140. Prior: 1951 c 139 § 19; 1949 c 198 § 5; Rem. Supp. 1949 § 6953-5.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.150 PROPERTY OF PATIENT—SAFE-GUARDING. [1959 c 25 § 71.02.150. Prior: 1951 c 139 § 32; 1949 c 198 § 6; Rem. Supp. 1949 § 6953-6.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.160 HEARINGS—TIME AND PLACE—PRIVACY. [1959 c 25 § 71.02.160. Prior: 1951 c 139 § 33; 1949 c 198 § 9; Rem. Supp. 1949 § 6953-9.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.170 HEARINGS—EVIDENCE. [1959 c 25 § 71.02.170. Prior: 1951 c 139 § 21; 1949 c 198 §§ 10, part, and 12; Rem. Supp. 1949 §§ 6953-10, part, and 6953-12.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.180 HEARINGS—SUBPOENAS—WITNESS FEES. [1959 c 25 § 71.02.180. Prior: 1951 c 139 § 34; 1949 c 198 § 10, part; Rem. Supp. 1949 § 6953-10, part.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.190 HEARINGS—REPRESENTATION FOR PATIENT. [1959 c 25 § 71.02.190. Prior: 1951 c 139 § 22; 1949 c 198 § 11; Rem. Supp. 1949 § 6953-11.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.200 HEARINGS—ORDER OF HOSPITALIZATION. [1959 c 25 § 71.02.200. Prior: 1951 c 139 § 20.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.210 JURY TRIAL—REQUEST FOR—DATE, DETENTION PENDING. [1959 c 25 § 71.02.210. Prior: 1951 c 139 § 23; 1949 c 198 § 8, part; Rem. Supp. 1949 § 6953-8, part.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.220 JURY TRIAL—EVIDENCE—ORDER OF HOSPITALIZATION. [1959 c 25 § 71.02-220. Prior: 1951 c 139 § 24.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.230 LIABILITY FOR DETENTION CHARGES AND COURT COSTS OF PERSONS FOUND MENTALLY ILL. [1971 ex.s. c 292 § 63; 1967 ex.s. c 127 § 3; 1959 c 25 § 71.02.230. Prior: 1957 c 24 § 1; 1951 c 139 § 51.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.240 ORDER OF HOSPITALIZATION OR CUSTODY—INVENTORY OF PERSONAL EFFECTS. [1959 c 25 § 71.02.240. Prior: 1951 c 139 § 25.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.250 FILES CONFIDENTIAL, EXCEPTION—RECORD ENTRIES. [1959 c 51 § 1; 1959 c 25 § 71.02.250. Prior: 1951 c 139 § 38; 1949 c 198 § 13; Rem. Supp. 1949 § 6953-13.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.255 EXAMINATION OF CASE DATA ON COURT ORDER—EXCEPTION. [1959 c 51 § 2.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.260 ALIEN PATIENTS—REPORT. [1959 c 25 § 71.02.260. Prior: 1951 c 139 § 30.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.270 ORDERS AND REPORTS—FORMS. [1959 c 25 § 71.02.270. Prior: 1951 c 139 § 35.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.280 ORDERS AND REPORTS—COPIES TO HOSPITAL—INADEQUATE REPORTS. [1959 c 25 § 71.02.280. Prior: 1951 c 139 § 37.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.290 ORDERS—EXECUTION. [1959 c 25 § 71.02.290. Prior: 1951 c 139 § 36.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.300 JURISDICTION OF COURT TO CONTINUE. [1959 c 25 § 71.02.300. Prior: 1951 c 139 § 27.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.380 HOSPITALIZATION CHARGES—CRIMINALLY INSANE—LIABILITY.

Cross Reference:

Criminally insane, reimbursement for costs: RCW 10.77.250.

71.02.450 STATE HOSPITALS—ALLOCATION OF PATIENTS. [1967 c 24 § 1; 1959 c 25 § 71.02.450. Prior: 1951 c 139 § 29.] Repealed by 1973 1st ex.s. c 142 § 66.

71.02.650 LEGAL COMPETENCY—EFFECT OF APPLICATION OR DISCHARGE—EXAMINATION BEFORE DISCHARGE. [1959 c 25 § 71.02.650. Prior: 1951 c 139 § 3; 1949 c 198 § 16; Rem. Supp. 1949 § 6953-16.] Repealed by 1973 1st ex.s. c 142 § 66.

Chapter 71.03

MENTAL ILLNESS—TEMPORARY DETENTION AND CARE

(LATER ENACTMENT: SEE CHAPTER 71.05 RCW)

71.03.010 through 71.03.900 [1959 c 196 §§ 2-8.] Repealed by 1973 1st ex.s. c 142 § 66.

Cross Reference:

Mental illness: Chapter 71.05 RCW.

Chapter 71.05 MENTAL ILLNESS

71.05.010 LEGISLATIVE INTENT. The provisions of this chapter are intended by the legislature:

(1) To end inappropriate, indefinite commitment of mentally disordered persons and to eliminate legal disabilities that arise from such commitment;

(2) To provide prompt evaluation and short term treatment of persons with serious mental disorders;

(3) To safeguard individual rights;

(4) To provide continuity of care for persons with serious mental disorders;

(5) To encourage the full use of all existing agencies, professional personnel, and public funds to prevent duplication of services and unnecessary expenditures;

(6) To encourage, whenever appropriate, that services be provided within the community. [1973 1st ex.s. c 142 § 6.]

71.05.020 DEFINITIONS. For the purposes of this chapter:

(1) "Gravely disabled" means a condition in which a person, as a result of a mental disorder is in danger of serious physical harm resulting from a failure to provide for his essential human needs;

(2) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions;

(3) "Likelihood of serious harm" means either (a) a substantial risk that physical harm will be inflicted by an individual upon his own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self, or (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm;

(4) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(5) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(6) "Public agency" means any evaluation and treatment facility of, or operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(7) "Private agency" means any person, partnership, corporation, or association not defined as a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility;

(8) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(9) "Department" means the department of social and health services of the state of Washington;

(10) "Secretary" means the secretary of the department of social and health services, or his designee;

(11) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(12) "Professional person" shall mean a mental health professional, as above defined, and shall also mean a physician, registered nurse, and such others as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(13) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in

psychiatry in a program approved by the American medical association or the American osteopathic association;

(14) "Psychologist" means a person with an earned graduate degree in psychology or a graduate degree deemed its equivalent under rules and regulations adopted by the secretary or who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(15) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree from a graduate school deemed equivalent under rules and regulations adopted by the secretary;

(16) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and short term inpatient care to persons suffering from a mental disorder, and which is certified as such by the department of social and health services: PROVIDED, That a physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility: PROVIDED FURTHER, That a facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification: AND PROVIDED FURTHER, That no correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter. [1973 1st ex.s. c 142 § 7.]

71.05.030 COMMITMENT LAW APPLICABLE.

(1) Persons suffering from a mental disorder may not be involuntarily committed for treatment of such disorder except pursuant to provisions of this chapter, chapter 10.76 RCW or its successor, chapter 71.06 RCW, transfer pursuant to RCW 72.68.031 through 72.68.037, or pursuant to court ordered evaluation and treatment not to exceed ninety days pending a criminal trial or sentencing. Persons impaired by chronic alcoholism or drug abuse may receive services pursuant to this chapter if they so elect, unless proceedings have been initiated under the provisions of the Washington Uniform Alcoholism and Intoxication Treatment Act, *chapter 92, Laws of 1973 (chapter 70.96A RCW).

(2) No person under the age of eighteen years shall be involuntarily provided with, detained, certified, or committed for evaluation or treatment pursuant to the provisions of this chapter unless written authorization has been obtained from such person's parent, parents, conservator, or legal guardian, or pursuant to proceedings of the juvenile court under chapter 13.04 RCW. [1973 2nd ex.s. c 24 § 2; 1973 1st ex.s. c 142 § 8.]

*Reviser's note: The Washington Uniform Alcoholism and Intoxication Treatment Act was enacted into law by chapter 122, Laws of 1972 ex. sess. Chapter 92, Laws of 1973 referred to herein amended the 1972 act.

71.05.040 NO JUDICIAL COMMITMENT--EPILEPTIC--MENTALLY DEFICIENT OR RETARDED--SENILE. Persons who are epileptics, mentally deficient, mentally retarded, or senile shall not be detained for evaluation and treatment or judicially committed solely by reason of that condition unless such condition causes a person to be gravely disabled or constitutes a likelihood of serious harm to others. [1973 1st ex.s. c 142 § 9.]

71.05.050 VOLUNTARY APPLICATION FOR MENTAL HEALTH SERVICES. Nothing in this chapter shall be construed to limit the right of any person to apply voluntarily to any public or private agency or practitioner for treatment of a mental disorder, either by direct application or by referral. Any person voluntarily admitted for inpatient treatment to any public or private agency shall be released immediately upon his request. Any person voluntarily admitted for inpatient treatment to any public or private agency shall, orally and in writing, be advised of such right to release and such other rights as are secured to them pursuant to this chapter and their rights of access to attorneys, courts, and other legal redress. Their condition and status shall be reviewed at least once each one hundred eighty days for evaluation as to the need for further treatment and/or possible release, at which time they shall again be advised of their right to release upon request. [1973 1st ex.s. c 142 § 10.]

71.05.060 RIGHTS OF PERSONS COMPLAINED AGAINST. A person subject to confinement resulting from any petition or proceeding pursuant to the provisions of this chapter shall not forfeit any legal right or suffer any legal disability as a consequence of any actions taken or orders made, other than as specifically provided in this chapter. [1973 1st ex.s. c 142 § 11.]

71.05.070 PRAYER TREATMENT. The provisions of this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination. [1973 1st ex.s. c 142 § 12.]

71.05.080 EFFECT ON PENDING PROCEEDINGS AND ON PERSONS PREVIOUSLY COMMITTED. Except as herein provided, the provisions of this chapter shall not in themselves impair any action taken in any proceeding pending under statutes in effect prior to January 1, 1974, nor shall they apply retroactively to terminate the detention of any person previously committed pursuant to statutes in effect prior to January 1, 1974. One hundred twenty days after January 1, 1974, the provisions of RCW 71.05.320 (2) shall apply to all persons previously committed pursuant to chapter 71.02 RCW. [1973 1st ex.s. c 142 § 13.]

71.05.090 CHOICE OF PHYSICIANS. Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician or other professional person qualified to provide such services. [1973 2nd ex.s. c 24 § 3; 1973 1st ex.s. c 142 § 14.]

71.05.100 FINANCIAL RESPONSIBILITY. In addition to the responsibility provided for by RCW 71.02.411, any person, or his estate, or his spouse, or the parents of a minor person who is involuntarily detained pursuant to this chapter for the purpose of treatment and evaluation outside of a facility maintained and operated by the department of social and health services shall be responsible for the cost of such care and treatment. In the event that an individual is unable to pay for such treatment or in the event payment would result in a substantial hardship upon the individual or his family, then the county of residence of such person shall be responsible for such costs. If it is not possible to determine the county of residence of the person, the cost shall be borne by the county where the person was originally detained. The department of social and health services shall, pursuant to chapter 34.04 RCW, adopt standards as to (1) inability to pay in whole or in part, (2) a definition of substantial hardship, and (3) appropriate payment schedules. Such standards shall be applicable to all county mental health administrative boards. Financial responsibility with respect to department services and facilities shall continue to be as provided in chapter 71.02 RCW. [1973 2nd ex.s. c 24 § 4; 1973 1st ex.s. c 142 § 15.]

71.05.110 COMPENSATION OF APPOINTED COUNSEL. Attorneys appointed for persons pursuant to this chapter shall be compensated for their services as follows: (1) The person for whom an attorney is appointed shall, if he is financially able pursuant to standards as to financial capability and indigency set by the superior court of the county in which the proceeding is held, bear the costs of such

legal services; (2) If such person is indigent pursuant to such standards, the costs of such services shall be borne by the county in which the proceeding is held, subject however to the responsibility for costs provided in RCW 71.05.320 (2). [1973 1st ex.s. c 142 § 16.]

71.05.120 EXEMPTIONS FROM LIABILITY. No officer of a public or private agency initiating or providing treatment pursuant to this chapter, nor the superintendent, professional person in charge, his professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter shall be civilly or criminally liable for performing duties prescribed by this chapter or releasing a person at or before the end of the period for which he was admitted or committed for evaluation or treatment: PROVIDED, That such duties were performed in good faith and without negligence. [1973 2nd ex.s. c 24 § 5; 1973 1st ex.s. c 142 § 17.]

71.05.130 DUTY OF PROSECUTING ATTORNEY. In any judicial proceeding for involuntary commitment or detention, or in any proceeding challenging such commitment or detention, the prosecuting attorney for the county in which the proceeding was initiated shall represent the individuals or agencies petitioning for commitment or detention and shall defend all challenges to such commitment or detention. [1973 1st ex.s. c 142 § 18.]

71.05.140 RECORDS MAINTAINED. A record of all applications, petitions, and proceedings under this chapter shall be maintained by the county clerk in which the application, petition, or proceeding was initiated. [1973 1st ex.s. c 142 § 19.]

71.05.150 DETENTION OF MENTALLY DISORDERED PERSONS FOR EVALUATION AND TREATMENT. (1) (a) When a mental health professional designated by the county receives information alleging that a person, as a result of a mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled, such mental health professional, after investigation and evaluation of the specific facts alleged, and of the reliability and credibility of the person or persons, if any, providing information to initiate detention, may summon such person to appear at an evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period. The mental health professional shall also designate, from a list provided by the court, an attorney who will be appointed,

if any is to be appointed, and state the name of this attorney in the summons.

(b) The summons shall state a date and time to appear not less than twenty-four hours after the summons, notice of rights, and statement of specific facts required by RCW 71.05.200 is served on such person. The summons shall state the address of the evaluation and treatment facility to which such person is to report and the business address and phone number of the mental health professional designated by the county. The summons shall state that if the person named in the summons fails to appear at the evaluation and treatment facility at or before the date and time stated in the summons, such person may be involuntarily taken into custody.

(c) If such mental health professional decides to summon such person for up to a seventy-two hour evaluation and treatment period, the mental health professional must file in court the summons, the petition for initial detention, and all documentary evidence. The mental health professional shall then serve or cause to be served on such person, his guardian, and conservator, if any, a copy of the summons together with a notice of rights and a statement of specific facts as required by RCW 71.05.200. After service on such person the mental health professional shall file the return of service and statement of specific facts in court and provide copies of all papers in the court file to the evaluation and treatment facility. This shall constitute an application as required by RCW 71.05.160. The mental health professional shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time specified on the summons if such person is not released prior to the expiration of such period.

(d) If the person summoned appears on or before the date and time specified, the evaluation and treatment facility shall admit such person as required by RCW 71.05.170. If the person summoned fails to appear on or before the date and time specified, the evaluation and treatment facility shall immediately notify the mental health professional designated by the county who may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility. At the time such person is taken into custody there shall be served on such person, his guardian, and conservator, if any, a copy of the original summons together with a copy of the notice and statement of specific facts required by RCW 71.05.200.

(2) When a mental health professional designated by the county receives information alleging that a person, as the result of a mental disorder, presents an imminent likelihood of serious harm to himself or others, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person

or persons providing the information if any, the mental health professional may take such person, or cause such person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in RCW 71.05.180.

(3) A peace officer may take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility pursuant to subsection (1) (d) of this section.

A peace officer may, without prior notice of the proceedings provided for in subsection (1) of this section, take or cause such person to be taken into custody and placed in an evaluation and treatment facility only pursuant to subsections (1) (d) and (2) of this section or when such person is subject to lawful arrest and as a result of mental disorder presents an imminent likelihood of serious harm to others or himself. [1973 1st ex.s. c 142 § 20.]

71.05.160 APPLICATION. Any facility receiving a person pursuant to RCW 71.05.150 shall require an application in writing stating the circumstances under which the person's condition was made known and stating that such officer or person has evidence, as a result of his personal observation or investigation, that the actions of the person for which application is made constitute a likelihood of serious harm to himself or others, or that he is gravely disabled, and stating the specific facts known to him as a result of his personal observation or investigation, upon which he bases the belief that such person should be detained for the purposes and under the authority of this chapter.

If a person is involuntarily placed in an evaluation and treatment facility pursuant to RCW 71.05.150, not later than seventy-two hours after the initial detention, the professional staff of the facility or the mental health professional designated by the county shall file with the court either the application, a copy of the notice required by RCW 71.05.200, proof of service of notice, and the statement of specific facts, or a copy of the second notice and statement of specific facts served on such person as required by RCW 71.05.150 (1) (d) and proof of service of the second notice, if proceedings are initiated under RCW 71.05.150 (1) (d). [1973 1st ex.s. c 142 § 21.]

71.05.170 ACCEPTANCE OF APPLICATION. Whenever such an application is made for admission of a person whose actions constitute a likelihood of serious harm to himself or others, or who is gravely disabled, the facility providing seventy-two hour evaluation and treatment must immediately accept such application and the person. The facility shall then

evaluate the person's condition and admit or release such person in accordance with RCW 71.05.210. The facility shall notify the court of the date and time of the initial detention of each person involuntarily detained in order that a probable cause hearing shall be held no later than seventy-two hours after detention. [1973 1st ex.s. c 142 § 22.]

71.05.180 DETENTION FOR EVALUATION---SERVICES PROVIDED. If the evaluation and treatment facility admits the person, it may detain him for evaluation and treatment for a period not to exceed seventy-two hours, including Saturdays, Sundays, and holidays. [1973 1st ex.s. c 142 § 23.]

71.05.190 PERSONS NOT ADMITTED---TRANSPORTATION. If an application is not approved for admission by a facility providing seventy-two hour evaluation and treatment, the facility shall furnish transportation, if not otherwise available, for the person to his place of residence or other appropriate place. [1973 1st ex.s. c 142 § 24.]

71.05.200 NOTICE AND STATEMENT OF RIGHTS---PROBABLE CAUSE HEARING. (1) Whenever any person is detained for evaluation and treatment pursuant to this chapter, both he and, if possible, a responsible member of his immediate family, guardian, and conservator, if any, shall be immediately advised in writing and orally, by the officer or person taking him into custody, if any, and by personnel of the evaluation and treatment facility to which he is taken that unless he is released within seventy-two hours of the initial detention:

(a) That a judicial hearing in a district justice court or in a superior court, either by a judge or court commissioner thereof, shall be held not more than seventy-two hours after the initial detention to determine whether there is probable cause to detain him after the seventy-two hours have expired for up to an additional fourteen days without further automatic hearing for the reason that he is a mentally ill person whose mental disorder presents a likelihood of serious harm to others or himself or that he is gravely disabled;

(b) That he has a right to communicate immediately with an attorney; he has a right to have an attorney appointed to represent him before and at the probable cause hearing if he is indigent; and he has the right to be told the name and address of the attorney the court has designated pursuant to this chapter;

(c) That he has the right to remain silent and that any statement he makes may be used against him;

(d) That he has the right to present evidence and to cross-examine witnesses who testify against him at the probable cause hearing; and

(e) That he has the right to refuse medication beginning twenty-four hours prior to the probable cause hearing.

(2) When proceedings are initiated under RCW 71.05.150 (2) or (3), no later than twelve hours after such person is admitted to the evaluation and treatment facility the personnel of the evaluation and treatment facility shall serve on such person a statement of specific facts alleged to have caused such person's present detention and possible future detention. This statement of specific facts may be taken directly from the application of the peace officer required by RCW 71.05.160.

(3) The judicial hearing described in subsection (1) of this section is hereby authorized, and shall be held according to the provisions of subsection (1) of this section and rules promulgated by the supreme court. [1973 1st ex.s. c 142 § 25.]

71.05.210 EVALUATION--TREATMENT AND CARE--RELEASE OR OTHER DISPOSITION.

Each person involuntarily admitted to an evaluation and treatment facility shall, within twenty-four hours of his admission, be examined and evaluated by a licensed physician and licensed mental health professional unless a licensed mental health professional is not reasonably available, and shall receive such treatment and care as his condition requires for the period that he is detained, except that, beginning twenty-four hours prior to a court proceeding, the individual may refuse all but emergency life-saving treatment, and the individual shall be informed at an appropriate time of his right to such refusal of treatment. Such person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his professional designee, the person presents a likelihood of serious harm to himself or others, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be either released, referred for further care on a voluntary basis, or certified for intensive treatment.

An evaluation and treatment center admitting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for treatment. [1973 1st ex.s. c 142 § 26.]

71.05.220 PROPERTY OF COMMITTED PERSON.

At the time a person is involuntarily admitted to an evaluation and treatment facility, the professional person in

charge or his designee shall take reasonable precautions to inventory and safeguard the personal property of the person detained. A copy of the inventory, signed by the staff member making it, shall be given to the person detained and shall, in addition, be open to inspection to any responsible relative, subject to limitations, if any, specifically imposed by the detained person. For purposes of this section, "responsible relative" includes the guardian, conservator, attorney, spouse, parent, adult child, or adult brother or sister of the person. The facility shall not disclose the contents of the inventory to any other person without the consent of the patient or order of the court. [1973 1st ex.s. c 142 § 27.]

71.05.230 PROCEDURES FOR ADDITIONAL TREATMENT.

A person detained for seventy-two hour evaluation and treatment may be detained for not more than fourteen additional days of either involuntary intensive treatment or of a less restrictive alternative to involuntary intensive treatment if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that said condition is caused by mental disorder and either results in a likelihood of serious harm to the person detained or to others, or results in the detained person being gravely disabled; and

(2) The person has been advised of the need for, but has not accepted, voluntary treatment; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department of social and health services; and

(4) The professional staff of the agency or facility or the mental health professional designated by the county has filed a petition for fourteen day involuntary treatment with the court. The petition must be signed either by two physicians or by one physician and a licensed psychologist who have examined the person, unless one of these persons is not reasonably available, in which case another mental health professional who participated in the examination may sign the notice. If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others; and

(5) A copy of the petition for fourteen day involuntary treatment has been served on the detained person, his attorney and his guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The court has ordered a fourteen day involuntary treatment after a probable cause hearing has been held pursuant to RCW 71.05.240. [1973 1st ex.s. c 142 § 28.]

71.05.240 PROBABLE CAUSE HEARING. If a petition is filed for fourteen day involuntary treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention of such person. If requested by the detained person or his attorney, the hearing may be postponed for a period not to exceed twenty-four hours.

At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility certified to provide treatment by the department of social and health services. If the court finds that such person, as the result of a mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive course of treatment for not to exceed fourteen days.

The court shall specifically state to such person and give such person notice in writing that if involuntary treatment beyond the fourteen day period is to be sought, such person will have the right to a full hearing or jury trial as required by RCW 71.05.310 and that if such person requests release from the evaluation and treatment facility during the fourteen day period he will be brought before a court pursuant to RCW 71.05.480. [1973 1st ex.s. c 142 § 29.]

71.05.250 PROBABLE CAUSE HEARING--DETAINED PERSON'S RIGHTS. At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

- (1) To present evidence on his behalf;
- (2) To cross-examine witnesses who testify against him;
- (3) To be proceeded against by the rules of evidence;

(4) To remain silent;

(5) To view and copy all petitions and reports in the court file. [1973 1st ex.s. c 142 § 30.]

71.05.260 RELEASE--EXCEPTION. (1) Involuntary treatment shall be for no more than fourteen days, and shall terminate sooner when, in the opinion of the professional person in charge of the facility or his professional designee, (a) the person no longer constitutes a likelihood of serious harm to himself or others, or (b) no longer is gravely disabled, or (c) is prepared to accept voluntary treatment upon referral, or (d) is to remain in the facility providing intensive treatment on a voluntary basis.

(2) A person who has been detained for fourteen days of intensive treatment shall be released at the end of the fourteen days unless one of the following applies: (a) Such person agrees to receive further treatment on a voluntary basis; or (b) such person is a patient to whom RCW 71.05.280 is applicable. [1973 1st ex.s. c 142 § 31.]

71.05.270 TEMPORARY RELEASE. Nothing in this chapter shall prohibit the professional person in charge of a treatment facility, or his professional designee, from permitting a person detained for intensive treatment to leave the facility for prescribed periods during the term of the person's detention, under such conditions as may be appropriate. [1973 1st ex.s. c 142 § 32.]

71.05.280 ADDITIONAL CONFINEMENT--GROUNDS--DURATION. At the expiration of the fourteen day period of intensive treatment, a person may be confined for further treatment pursuant to RCW 71.05-.320 for an additional period, not to exceed ninety days if:

(1) Such person has threatened, attempted, or inflicted physical harm upon the person of another after having been taken into custody for evaluation and treatment, and, as a result of mental disorder presents a likelihood of serious harm; or

(2) Such person was taken into custody as a result of conduct in which he attempted or inflicted physical harm upon the person of another, and continues to present, as a result of mental disorder, a likelihood of serious harm.

For the purposes of this chapter "custody" shall mean involuntary detention under the provisions of this chapter, uninterrupted by any period of unconditional release from a facility providing involuntary care and treatment. [1973 1st ex.s. c 142 § 33.]

71.05.290 PETITION—AFFIDAVIT. At any time during a person's fourteen day intensive treatment period, the professional person in charge of a treatment facility or his professional designee may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280. The petition shall summarize the facts which support the need for further confinement and shall be supported by affidavits signed by two examining physicians, or by one examining physician and examining licensed psychologist unless one of these persons is not reasonably available, in which case another mental health professional who participated in the examination may sign such affidavits. The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person. [1973 1st ex.s. c 142 § 34.]

71.05.300 FILING OF PETITION—SERVICE—ADVICE OF RIGHTS. A petition for ninety day treatment shall be filed with the clerk of the superior court. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing, and shall notify the prosecuting attorney. The person filing the petition shall immediately notify the person detained, his attorney, if any, and his guardian or conservator, if any, and provide a copy of the petition to such persons.

At the time set for appearance the detained person shall be brought before the court and the court shall advise him of his right to be represented by an attorney and of his right to a jury trial. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him. The court shall, if requested, appoint a reasonably available licensed physician, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person. The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310. [1973 1st ex.s. c 142 § 35.]

71.05.310 TIME FOR HEARING—DUE PROCESS—JURY TRIAL—CONTINUATION OF TREATMENT. The court shall conduct a hearing on the petition for ninety day treatment within four judicial days of the first court appearance after the probable cause hearing unless the person named in the petition requests a jury trial, in which case trial shall commence within ten

judicial days of the filing of the petition for ninety day treatment. The court may continue the hearing upon the written request of the person named in the petition or his attorney, which continuance shall not exceed ten additional judicial days. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioning facility. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence.

During the proceeding, the person named in the petition shall continue to be treated until released by order of the superior court. If no order has been made within thirty days after the filing of the petition, not including extensions of time requested by the detained person or his attorney, the detained person shall be released. [1973 1st ex.s. c 142 § 36.]

71.05.320 REMAND FOR ADDITIONAL TREATMENT—DURATION—NEW PETITION. (1) If the court or jury finds that the person named in the petition (a) has threatened, attempted, or actually inflicted physical harm upon the person of another after having been taken into custody for evaluation and treatment, and as a result of mental disorder, presents an imminent threat of serious physical harm to others, and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention; or (b) was taken into custody as a result of attempting to inflict or inflicting physical harm upon the person of another, and as a result of mental disorder presents an imminent threat of serious physical harm to others, and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department of social and health services for a further period of intensive treatment not to exceed ninety days from the date of judgment.

If the court or jury finds that the respondent has committed acts falling within either subsection (1) (a) or (b) of this section, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department of social and health services for a further period of less restrictive treatment not to exceed ninety days from the date of judgment.

(2) Said person shall be released from involuntary treatment at the expiration of ninety days unless the superintendent or

professional person in charge of the facility in which he is confined files a new petition for involuntary treatment on the grounds that the committed person has attempted or actually inflicted physical harm on another during his period of involuntary treatment, and he is a person who, by reason of mental disorder, presents a likelihood of serious harm, and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention. Such new petition for involuntary treatment shall be filed and heard either in the superior court of the county of the facility which is filing the new petition for involuntary treatment or in the superior court of the county wherein the original petition for involuntary treatment was filed. The cost of the proceedings shall be borne by the county wherein the original petition for involuntary treatment was filed, when such proceedings are had in a county other than the county wherein the petition for involuntary treatment was filed and arrangements shall be made and agreements reached between involved counties for billing and payment arrangements to meet said responsibility.

The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this subsection are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment. At the end of the one hundred eighty day period of commitment, the committed person shall be released unless a petition for another one hundred eighty day period of continued treatment is filed and heard in the same manner as provided herein above. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment. No person committed as herein provided may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length. [1973 1st ex.s. c 142 § 37.]

71.05.330 EARLY RELEASE—NOTICE TO COURT. Nothing in this chapter shall prohibit the superintendent or professional person in charge of the hospital or facility in which the person is being involuntarily treated from releasing him prior to the expiration of the commitment period when, in the opinion of the superintendent or professional person in charge, the person being involuntarily treated no longer presents a likelihood of serious harm to others.

Whenever the superintendent or professional person in charge of a hospital or facility providing involuntary treatment pursuant to this chapter releases a person

prior to the expiration of ninety days, the superintendent or professional person in charge shall in writing notify the court which committed the person for treatment. [1973 1st ex.s. c 142 § 38.]

71.05.340 OUTPATIENT CARE—CONDITIONAL RELEASE—PROCEDURES FOR REVOCATION.

(1) When in the opinion of the superintendent or the professional person in charge of the hospital or facility providing involuntary treatment, the committed person can be appropriately served by outpatient care prior to the expiration of the period of commitment, then such outpatient care may be required as a condition for early release for a period which, when added to the inpatient treatment period, shall not exceed the period of commitment. If the hospital or facility designated to provide outpatient care is other than the facility providing involuntary treatment, the outpatient facility so designated must agree in writing to assume such responsibility.

(2) The hospital or facility designated to provide outpatient care or the secretary may modify the conditions for continued release when such modification is in the best interest of the person.

(3) If the hospital or facility designated to provide outpatient care or the secretary determines that a conditionally released person is failing to adhere to the terms and conditions of his release, and because of that failure has become a substantial danger to himself or other persons, then, upon notification by the hospital or facility designated to provide outpatient care, or on his own motion, the secretary may order that the conditionally released person be apprehended and taken into custody and temporarily detained in an evaluation and treatment facility in or near the county in which he is receiving outpatient treatment until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he had been conditionally released. The secretary may modify or rescind such order at any time prior to commencement of the court hearing. The court shall be notified before the close of the next judicial day of a person's detention under the provisions of this section, and the secretary shall file his petition and order of apprehension and detention with the court and serve them upon the person detained, his attorney, if any, and his guardian or conservator, if any. Such person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as specifically set forth in this section and except that there shall be no right to jury trial. The issues to be determined shall be whether the conditionally released person did or did not adhere to the terms and conditions of his release; and, if he

failed to adhere to such terms and conditions, (a) whether he is likely to injure himself or other persons if not returned for involuntary treatment on an inpatient basis, or (b) whether the conditions of release should be modified. Pursuant to the determination of the court upon such hearing, the conditionally released person shall either continue to be conditionally released on the same or modified conditions or shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he was committed for involuntary treatment, or otherwise in accordance with the provisions of this chapter. Such hearing may be waived by the person and his counsel and his guardian or conservator, if any, but shall not be waivable unless all such persons agree to waive, and upon such waiver the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

(4) The proceedings set forth in subsection (3) of this section may be initiated by the secretary on the same basis set forth therein without the secretary requiring or ordering the apprehension and detention of the conditionally released person, in which case the court hearing shall take place in not less than fifteen days from the date of service of the petition upon the conditionally released person.

Upon expiration of the period of commitment, or when the person is released from outpatient care, notice in writing to the court which committed the person for treatment shall be provided. [1973 1st ex.s. c 142 § 39.]

71.05.350 ASSISTANCE TO RELEASED PERSONS. No indigent patient shall be conditionally released or discharged from involuntary treatment without suitable clothing, and the superintendent of a state hospital shall furnish the same, together with such sum of money as he shall deem necessary for the immediate welfare of the patient. Such sum of money shall be the same as the amount required by RCW 72.02.100 to be provided to persons in need being released from correctional institutions. As funds are available, the secretary may provide payment to indigent persons conditionally released pursuant to this chapter consistent with the optional provisions of RCW 72.02.100 and 72.02.110, and may adopt rules and regulations to do so. [1973 1st ex.s. c 142 § 40.]

71.05.360 RIGHTS OF INVOLUNTARILY DETAINED PERSONS. (1) Every person involuntarily detained, certified, or committed under the provisions of this chapter shall be entitled to all the rights set forth in this chapter and shall retain all rights not denied him under this chapter and

which follow from such denial by necessary implication.

(2) Each person involuntarily detained, certified, or committed pursuant to this chapter shall have the right to adequate care and individualized treatment. [1973 1st ex.s. c 142 § 41.]

71.05.370 RIGHTS--POSTING OF LIST. Insofar as imminent danger to the individual or others is not created, each person involuntarily detained, certified, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

(1) To wear his own clothes and to keep and use his own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(2) To keep and be allowed to spend a reasonable sum of his own money for canteen expenses and small purchases;

(3) To have access to individual storage space for his private use;

(4) To have visitors at reasonable times;

(5) To have reasonable access to a telephone, both to make and receive confidential calls;

(6) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(7) Not to consent to the performance of shock treatment or surgery, except emergency life-saving surgery, upon him, and not to have shock treatment or non-emergency surgery in such circumstance unless ordered by a court pursuant to a judicial hearing in which the person is present and represented by counsel, and the court shall appoint a psychiatrist, psychologist, or physician designated by such person or his counsel to testify on behalf of such person;

(8) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue;

(9) Not to have a lobotomy performed on him under any circumstances. [1973 1st ex.s. c 142 § 42.]

71.05.380 RIGHTS OF VOLUNTARILY COMMITTED PERSONS. All persons voluntarily entering or remaining in any facility, institution, or hospital providing evaluation and treatment for mental disorder shall have no less than all rights secured to involuntarily detained persons by RCW 71.05.360 and 71.05.370. [1973 1st ex.s. c 142 § 43.]

71.05.390 CONFIDENTIAL INFORMATION AND RECORDS—DISCLOSURE. The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his guardian, must be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person, not employed by the facility, who does not have the medical responsibility for the patient's care;

(2) When the person receiving services, or his guardian, designates persons to whom information or records may be released, or if the person is a minor, when his parents make such designation;

(3) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled;

(4) For program evaluation and/or research: PROVIDED, That the secretary of social and health services adopts rules for the conduct of such evaluation and/or research. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, _____, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ _____ "

(5) To the courts as necessary to the administration this chapter.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any civil or criminal proceeding without the written consent of the person who was the subject of the proceeding. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available only to the person who was

the subject of the proceeding or his attorney. In addition, the court may order the release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained. [1973 1st ex.s. c 142 § 44.]

71.05.400 RELEASE OF INFORMATION TO PATIENT'S ATTORNEY, GUARDIAN, FAMILY, ETC.—NOTIFICATION OF PATIENT'S DEATH. A public or private agency shall release to a patient's attorney, his guardian, or conservator, if any, or a member of the patient's family the information that the person is presently a patient in the facility or that the person is seriously physically ill, if the professional person in charge of the facility determines that the release of such information is in the best interest of the person. Upon the death of a patient, his guardian or conservator, if any, and a member of his family shall be notified. [1973 2nd ex.s. c 24 § 6; 1973 1st ex.s. c 142 § 45.]

71.05.410 NOTICE OF DISAPPEARANCE OF PATIENT. When a patient would otherwise be subject to the provisions of RCW 71.05.390 and disclosure is necessary for the protection of the patient or others due to his unauthorized disappearance from the facility, and his whereabouts is unknown, notice of such disappearance, along with relevant information, may be made to relatives and governmental law enforcement agencies designated by the physician in charge of the patient or the professional person in charge of the facility, or his professional designee. [1973 2nd ex.s. c 24 § 7; 1973 1st ex.s. c 142 § 46.]

71.05.420 RECORDS OF DISCLOSURE. When any disclosure of information or records is made as authorized by RCW 71.05.390 through 71.05.410, the physician in charge of the patient or the professional person in charge of the facility shall promptly cause to be entered into the patient's medical record the date and circumstances under which said disclosure was made, the names and relationships to the patient, if any, of the persons or agencies to whom such disclosure was made, and the information disclosed. [1973 1st ex.s. c 142 § 47.]

71.05.430 STATISTICAL DATA. Nothing in this chapter shall be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary of the department of social and health services. [1973 1st ex.s. c 142 § 48.]

71.05.440 ACTION FOR UNAUTHORIZED RELEASE OF CONFIDENTIAL INFORMATION--LIQUIDATED DAMAGES--TREBLE DAMAGES--INJUNCTION. Any person may bring an action against an individual who has wilfully and knowingly released confidential information or records concerning him in violation of the provisions of this chapter, for the greater of the following amounts:

(1) One thousand dollars; or

(2) Three times the amount of actual damages sustained, if any. It shall not be a prerequisite to recovery under this section that the plaintiff shall have suffered or be threatened with special, as contrasted with general, damages.

Any person may bring an action to enjoin the release of confidential information or records concerning him or his ward, in violation of the provisions of this chapter, and may in the same action seek damages as provided in this section.

The court may award to the plaintiff, should he prevail in an action authorized by this section, reasonable attorney fees in addition to those otherwise provided by law. [1973 1st ex.s. c 142 § 49.]

71.05.450 COMPETENCY--EFFECT--STATEMENT OF WASHINGTON LAW. Competency shall not be determined or withdrawn by operation of, or under the provisions of this chapter. No person shall be presumed incompetent or lose any civil rights as a consequence of receiving evaluation or treatment for mental disorder, either voluntarily or involuntarily, or certification or commitment pursuant to this chapter or any prior laws of this state dealing with mental illness. Any person who leaves a public or private agency following evaluation or treatment for mental disorder shall be given a written statement setting forth the substance of this section. [1973 1st ex.s. c 142 § 50.]

71.05.460 RIGHT TO COUNSEL. Every person involuntarily detained shall immediately be informed of his right to a hearing to review the legality of his detention and of his right to counsel, by the professional person in charge of the facility providing evaluation and treatment, or his designee, and, when appropriate, by the court. If the person so elects, the court shall immediately appoint an attorney to assist him. [1973 1st ex.s. c 142 § 51.]

71.05.470 RIGHT TO EXAMINATION. A person challenging his detention or his attorney, shall have the right to designate and have the court appoint a reasonably available independent physician or licensed mental health professional to examine the person detained, the results

of which examination may be used in the proceeding. The person shall, if he is financially able, bear the cost of such expert information, otherwise such expert examination shall be at public expense. [1973 1st ex.s. c 142 § 52.]

71.05.480 REQUEST FOR RELEASE--NOTICE. Any staff person of a facility for evaluation and treatment to whom an objection to detention or a request for release is made, shall promptly provide the person making the request with a copy of the form provided for hereinafter in this section, help him to fill out the form, and deliver the completed form to the professional person in charge of the facility, or his professional designee. Not later than the next judicial day the professional person in charge of the facility, or his designee, shall file with the clerk of the superior court the request for release. Not later than two days after filing such request, the facility shall notify the clerk as to whether or not such person has been released. If no notice is received or the person has not been released, the clerk shall notify a judge of the superior court who shall immediately appoint an attorney to represent the person who has requested release. A form for a request for release shall be provided in accordance with rules and regulations adopted by the secretary. [1973 1st ex.s. c 142 § 53.]

71.05.490 PRESENT RIGHTS. Nothing in this chapter shall prohibit a person committed on or prior to January 1, 1974 from exercising a right available to him at or prior to January 1, 1974 for obtaining release from confinement. [1973 1st ex.s. c 142 § 54.]

71.05.500 LIABILITY OF APPLICANT. Any person making or filing an application alleging that a person should be involuntarily detained, certified, committed, treated, or evaluated pursuant to this chapter shall not be rendered civilly or criminally liable where the making and filing of such application was in good faith. [1973 1st ex.s. c 142 § 55.]

71.05.510 DAMAGES FOR EXCESSIVE DETENTION. Any individual who negligently, knowingly, or wilfully, in violation of the provisions of this chapter, detains a person for more than the allowable number of days shall be liable to the person detained in civil damages. It shall not be a prerequisite to an action under this section that the plaintiff shall have suffered or be threatened with special, as contrasted with general damages. [1973 1st ex.s. c 142 § 56.]

71.05.520 PROTECTION OF RIGHTS—STAFF.

The department of social and health services shall have the responsibility to determine whether all rights of individuals recognized and guaranteed by the provisions of this chapter and the Constitutions of the state of Washington and the United States are in fact protected and effectively secured. To this end, the department shall assign appropriate staff who shall from time to time as may be necessary have authority to examine records, inspect facilities, attend proceedings, and do whatever is necessary to monitor, evaluate, and assure adherence to such rights. Such persons shall also recommend such additional safeguards or procedures as may be appropriate to secure individual rights set forth in this chapter and as guaranteed by the state and federal Constitutions. [1973 1st ex.s. c 142 § 57.]

71.05.530 FACILITIES PART OF COMPREHENSIVE MENTAL HEALTH PROGRAM.

Evaluation and treatment facilities authorized pursuant to this chapter may be part of the comprehensive community mental health services program conducted in counties pursuant to the Community Mental Health Services Act, chapter 71.24 RCW, and may receive funding pursuant to the provisions thereof. [1973 1st ex.s. c 142 § 58.]

71.05.540 STANDARDS FOR PUBLIC AND PRIVATE EVALUATION AND TREATMENT FACILITIES, ENFORCEMENT PROCEDURES—PENALTIES.

(1) The department shall establish standards to be met by a public or private facility to be certified as an evaluation and treatment facility, and shall fix the fees to be paid by such facility to the department for the required inspections.

(2) The department shall periodically inspect certified evaluation and treatment facilities at reasonable times and in a reasonable manner.

(3) The department shall maintain an updated list of certified evaluation and treatment facilities.

(4) Each certified evaluation and treatment facility shall file with the department, on request, such data, statistics, schedules, and information as the department reasonably requires. A certified evaluation and treatment facility which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may be removed from the list of certified evaluation and treatment facilities and its certification revoked or suspended.

(5) The department may suspend, revoke, limit, or restrict a certification, or refuse to grant a certification for failure to conform to the law, applicable rules and regulations, or applicable standards.

(6) The superior court may restrain any evaluation and treatment facility from operating without certification or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.04 RCW, any denial, suspension, limitation, restriction, or revocation of certification, and grant other relief required to enforce the provisions of this chapter.

(7) Upon petition by the department, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the department authorizing him to enter at reasonable times, and examine the records, books, and accounts of any public or private evaluation and treatment facility refusing to consent to inspection or examination by the department.

(8) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter, and shall otherwise assure the effectuation of the purposes and intent of this chapter. [1973 1st ex.s. c 142 § 59.]

71.05.550 RECOGNITION OF COUNTY FINANCIAL NECESSITIES.

The department of social and health services, in planning and providing funding to counties pursuant to chapter 71.24 RCW, shall recognize the financial necessities imposed upon counties by implementation of this chapter and shall consider needs, if any, for additional community mental health services and facilities and reduction in commitments to state hospitals for the mentally ill accomplished by individual counties, in planning and providing such funding. The state shall provide financial assistance to the counties to enable the counties to meet all increased costs, if any, to the counties resulting from their administration of the provisions of *this 1973 amendatory act. [1973 1st ex.s. c 142 § 60.]

*Reviser's note: "this 1973 amendatory act" consists of this chapter, amendments to RCW 71.12.560, 71.12.570, 72.23.010, 72.23.070 and 72.23.100 by 1973 1st ex.s. c 142, and to the repeal of RCW 71.02.010-71.02.300, 71.02.450, 71.02.650, 71.03-.010-71.03.900, 71.12.580, 72.01.390, 72-.01.400, 72.08.110, 72.23.140, 72.23.150, 72.23.220, 72.23.270 and 72.25.040.

71.05.560 ADOPTION OF RULES AND REGULATIONS.

The department of social and health services shall adopt such rules and regulations as may be necessary to effectuate the intent and purposes of this chapter, which shall include but not be limited to evaluation of the quality of the program and facilities operating pursuant to this chapter, evaluation of the

effectiveness and cost effectiveness of such programs and facilities, and procedures and standards for certification and other action relevant to evaluation and treatment facilities. [1973 1st ex.s. c 142 § 61.]

71.05.570 RULES OF COURT. The supreme court of the state of Washington shall adopt such rules as it shall deem necessary with respect to the court procedures and proceedings provided for by this chapter. [1973 1st ex.s. c 142 § 62.]

71.05.900 SEVERABILITY—1973 1ST EX.S. C 142. If any provision of *this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this act, or the application of the provision to other persons or circumstances is not affected. [1973 1st ex.s. c 142 § 63.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 71.05.550.

71.05.910 CONSTRUCTION. Sections 6 through 63 of *this 1973 amendatory act shall constitute a new chapter in Title 71 RCW, and shall be considered the successor to those sections of chapter 71.02 RCW repealed by *this 1973 amendatory act. [1973 1st ex.s. c 142 § 64.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 71.05.550.

71.05.920 SECTION HEADINGS NOT PART OF THE LAW. Section headings as used in sections 6 through 63 of *this 1973 amendatory act shall not constitute any part of law. [1973 1st ex.s. c 142 § 65.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 71.05.550.

71.05.930 EFFECTIVE DATE—1973 1ST EX.S. C 142. *This 1973 amendatory act shall take effect on January 1, 1974. [1973 1st ex.s. c 142 § 67.]

*Reviser's note: "This 1973 amendatory act", see note following RCW 71.05.550.

Chapter 71.08 INTOXICATION AND DRUNKARDS

71.08.010 through 71.08.090

Reviser's note: The effective date of the repeal of these sections by chapter 122, Laws of 1972 ex. sess. has been changed to January 1, 1975. See note following RCW 70.96A.010.

Chapter 71.12 PRIVATE ESTABLISHMENTS

71.12.560 VOLUNTARY PATIENTS—REPORT. The person in charge of any private institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill or deranged may receive therein as a voluntary patient any person suffering from mental illness or derangement who is a suitable person for care and treatment in the institution, hospital, or sanitarium, who voluntarily makes a written application to the person in charge for admission into the institution, hospital or sanitarium, and who is at the time of making the application mentally competent to make the application. Upon the admission of a voluntary patient to a private institution, hospital, or sanitarium, the person in charge shall immediately forward to the office of the department of social and health services a record of the voluntary patient showing the name, residence, age, sex, place of birth, occupation, marital status, date of admission to the institution, hospital, or sanitarium, and such other information as may be required by rule of the department of social and health services. [1973 1st ex.s. c 142 § 1; 1959 c 25 § 71.12.560. Prior: 1949 c 198 § 65; Rem. Supp. 1949 § 6953-64.]

Severability—Construction—Effective date—1973 1st ex.s. c 142: See RCW 71.05.900-71.05.930.

71.12.570 COMMUNICATIONS BY PATIENTS—RIGHTS. No person in an establishment as defined in this chapter shall be restrained from sending written communications of the fact of his detention in such establishment to a friend, relative, or other person. The physician in charge of such person and the person in charge of such establishment shall send each such communication to the person to whom it is addressed. All persons in an establishment as defined by chapter 71.12 RCW shall have no less than all rights secured to involuntarily detained persons by RCW 71.05.360 and 71.05.370 and to voluntarily admitted or committed persons pursuant to RCW 71.05.050 and 71.05.380. [1973 1st ex.s. c 142 § 2; 1959 c 25 § 71.12.570. Prior: 1949 c 198 § 66; Rem. Supp. 1949 § 6953-65.]

Severability—Construction—Effective date—1973 1st ex.s. c 142: See RCW 71.05.900-71.05.930.

71.12.580 PROCEEDINGS AS TO MENTAL CONDITION OF PATIENT—REPRESENTATION OF PATIENT—EXAMINATION. [1959 c 25 § 71.12.580. Prior: 1949 c 198 § 67; Rem. Supp.

1949 § 6953-66.] Repealed by 1973 c 142 § 66.

Chapter 71.20
STATE AND LOCAL SERVICES FOR MENTALLY RETARDED PERSONS

71.20.110 TAX LEVY DIRECTED—ALLOCATION OF FUNDS FOR FEDERAL MATCHING FUNDS PURPOSES. In order to provide additional funds for the coordination of community mental retardation services and to provide community mental retardation or mental health services, the board of county commissioners of each county in the state shall budget and levy annually a tax in a sum equal to the amount which would be raised by a levy of two and one-half cents per thousand dollars of assessed value against the taxable property in the county to be used for such purposes: PROVIDED, That all or part of the funds collected from the tax levied for the purposes of this section may be transferred to the state of Washington, department of social and health services, for the purpose of obtaining federal matching funds to provide and coordinate community mental retardation and mental health services. In the event a county elects to transfer such tax funds to the state for this purpose, the state shall grant these moneys and the additional funds received as matching funds to service-providing community agencies in the county which has made such transfer, pursuant to the plan approved by the county, as provided by chapters 71.16, 71.20, 71.24, and 71.28 RCW. [1973 1st ex.s. c 195 § 85; 1971 ex.s. c 84 § 1; 1970 ex.s. c 47 § 8; 1967 ex.s. c 110 § 16.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

Chapter 71.24
COMMUNITY MENTAL HEALTH SERVICES ACT

71.24.030 GRANTS TO COUNTIES—PROGRAMS AND SERVICES—INSERVICE TRAINING. The secretary is authorized, pursuant to the provisions of this chapter and the rules and regulations promulgated to effectuate its purposes, to make grants to assist counties or combinations of counties in the establishment and operation of community mental health programs to provide one or more of the following services:

- (1) Outpatient diagnostic and treatment services.
- (2) Inpatient psychiatric services.
- (3) Rehabilitation services for patients with psychiatric illnesses.
- (4) Informational services to the general public and educational services furnished by qualified mental health

personnel to schools, courts, health agencies, welfare agencies, probation departments and other appropriate public or private agencies or groups.

(5) Consultant services to public or private agencies for the promotion and coordination of services that preserve mental health and for the early recognition and management of conditions that might develop into psychiatric illnesses.

(6) Inpatient or outpatient care, treatment or rehabilitation services of persons using controlled substances in violation of chapter 69.50 RCW.

(7) Such services as are set forth in subsection (4) which pertain to the education and information about and prevention of problems of drug abuse.

Such inservice training as may be necessary in providing any of the foregoing services shall be proper items of expenditure in connection therewith. [1973 1st ex.s. c 155 § 5; 1972 ex.s. c 122 § 30; 1971 ex.s. c 304 § 7; 1967 ex.s. c 111 § 3.]

Effective date—1972 ex.s. c 122; See note following RCW 70,96A.010.

TITLE 72
STATE INSTITUTIONS

Sections added, amended, or repealed:

Chapter 72.01 Administration.

- 72.01.390 Transfer of juvenile from correctional institution to state hospital.
- 72.01.400 Transfer of juvenile from correctional institution to state hospital—Terms defined.

Chapter 72.05 Children and Youth Services.

- 72.05.152 Juvenile forest camps—Industrial insurance benefits prohibited—Exceptions.
- 72.05.154 Juvenile forest camps—Industrial insurance—Eligibility for benefits—Exceptions.

Chapter 72.08 State Penitentiary.

- 72.08.110 Procedure as to insane convicts.
- 72.08.170 Rewards.

Chapter 72.19 Juvenile Correctional Institution in King County.

- 72.19.080 General obligation bond issue to provide buildings—Proceeds from bond sale, grants, donations, etc.—Deposit in juvenile correctional institution building construction account.

- 72.19.090 General obligation bond issue to provide buildings—Appropriation from juvenile correctional institution building construction account—Purpose.
- 72.19.091 General obligation bond issue to provide buildings—Expenditures for purchase of equipment.
- Chapter 72.23 State Hospitals for Mentally Ill.
- 72.23.010 Definitions.
- 72.23.070 Voluntary patients—Right to receive—Application—Retention of person reaching eighteen years.
- 72.23.090 Voluntary patients—Detention.
- 72.23.100 Voluntary patients—Policy—Duration.
- 72.23.140 Parole or discharge—Revocation of parole.
- 72.23.150 Parole—Revocation by court—Emergency detention.
- 72.23.220 Letters to or from patients.
- 72.23.270 Exclusions from state hospitals—Idiots, imbeciles, etc.
- Chapter 72.25 Nonresident Insane, Feeble-Minded—Sexual Psychopaths, and Psychopathic Delinquents.
- 72.25.040 Bringing committed person into state without permission—Penalty.
- Chapter 72.33 State Residential Schools.
- 72.33.020 Definitions.
- Chapter 72.36 Soldiers' and Veterans' Homes.
- 72.36.040 Colony established—Who may be admitted.
- 72.36.050 Regulations of home applicable—Rations, medical attendance, clothing.
- 72.36.080 Who may be admitted to veterans' home.
- Chapter 72.41 Board of Trustees—School for the Blind.
- 72.41.010 Intention—Purpose.
- 72.41.020 Board of trustees—Created—Membership—Terms—Vacancies—Officers—Rules and regulations.
- 72.41.030 Bylaws—Rules and regulations—Officers.
- 72.41.040 Powers and duties.
- 72.41.050 Eligibility and certification of teachers—Rules and regulations.
- 72.41.060 Per diem—Expenses.
- 72.41.070 Meetings.
- 72.41.080 Local advisory committees.
- Chapter 72.64 Labor and Employment of Prisoners.
- 72.64.040 Crediting of earnings—Payment.
- Chapter 72.66 Furloughs for Prisoners.
- 72.66.010 Definitions.
- 72.66.012 Granting of furloughs authorized.
- 72.66.014 Ineligibility grounds.
- 72.66.016 Minimum time served requirement.
- 72.66.018 Grounds for granting furlough.
- 72.66.020 Furloughs authorized for certain prisoners—Conditions—Time limitations.
- 72.66.022 Application—Contents.
- 72.66.024 Sponsor.
- 72.66.026 Furlough terms and conditions.
- 72.66.028 Furlough order—Contents.
- 72.66.030 Application of prisoner for furlough—Contents of application—Recommendation for approval or denial of application by superintendent.
- 72.66.032 Furlough identification card.
- 72.66.034 Applicant's personality and conduct—Examination.
- 72.66.036 Furlough duration—Extension.
- 72.66.038 Furlough infractions—Reporting—Regaining custody.
- 72.66.040 Final approval or denial of application by secretary—Terms and conditions of furlough—Multiple furloughs authorized—Prisoner's oath required.
- 72.66.042 Emergency furlough—Waiver of certain requirements.
- 72.66.044 Application proceeding not deemed "contested case".
- 72.66.100 Liability of state for damages to persons or property due to criminal conduct of furloughed prisoner—Limitation.
- Chapter 72.01
ADMINISTRATION
- 72.01.390 TRANSFER OF JUVENILE FROM CORRECTIONAL INSTITUTION TO STATE HOSPITAL. [1959 c 145 § 1.] Repealed by 1973 1st ex.s. c 142 § 66.
- 72.01.400 TRANSFER OF JUVENILE FROM CORRECTIONAL INSTITUTION TO STATE HOSPITAL—TERMS DEFINED. [1959 c 145 § 2.] Repealed by 1973 1st ex.s. c 142 § 66.
- Chapter 72.04A
PROBATION AND PAROLE
- Cross Reference:
Victims of crimes, reimbursement by convicted person as condition of work release or parole: RCW 7.68.120.

Chapter 72.05
CHILDREN AND YOUTH SERVICES

72.05.152 JUVENILE FOREST CAMPS--INDUSTRIAL INSURANCE BENEFITS PROHIBITED--EXCEPTIONS. No inmate of a juvenile forest camp who is affected by this chapter or receives benefits pursuant to RCW 72.05.152 and 72.05.154 shall be considered as an employee or to be employed by the state or the department of social and health services or the department of natural resources, nor shall any such inmate, except those provided for in RCW 72.05.154, come within any of the provisions of the workmen's compensation act, or be entitled to any benefits thereunder, whether on behalf of himself or any other person. All moneys paid to inmates shall be considered a gratuity. [1973 c 68 § 1.]

Effective date--1973 c 68: "This 1973 act shall take effect on July 1, 1973." [1973 c 68 § 3.] This applies to RCW 72.05.152 and 72.05.154.

72.05.154 JUVENILE FOREST CAMPS--INDUSTRIAL INSURANCE--ELIGIBILITY FOR BENEFITS--EXCEPTIONS. From and after July 1, 1973, any inmate working in a juvenile forest camp established and operated pursuant to RCW 72.05.150, pursuant to an agreement between the department of social and health services and the department of natural resources shall be eligible for the benefits provided by Title 51 RCW, as now or hereafter amended, relating to industrial insurance, with the exceptions provided by this section.

No inmate as described in RCW 72.05.152, until released upon an order of parole by the department of social and health services, or discharged from custody upon expiration of sentence, or discharged from custody by order of a court of appropriate jurisdiction, or his dependents or beneficiaries, shall be entitled to any payment for temporary disability or permanent total disability as provided for in RCW 51.32.090 or 51.32.060 respectively, as now or hereafter amended, or to the benefits of chapter 51.36 RCW relating to medical aid: PROVIDED, That RCW 72.05.152 and 72.05.154 shall not affect the eligibility, payment or distribution of benefits for any industrial injury to the inmate which occurred prior to his existing commitment to the department of social and health services.

Any and all premiums or assessments as may arise under this section pursuant to the provisions of Title 51 RCW shall be the obligation of and be paid by the state department of natural resources. [1973 c 68 § 2.]

Chapter 72.08
STATE PENITENTIARY

72.08.110 PROCEDURE AS TO INSANE CONVICTS. [1959 c 28 § 72.08.110. Prior: 1955 c 94 § 3; 1891 c 147 § 19, part; RRS § 10222, part.] Repealed by 1973 1st ex.s. c 142 § 66.

72.08.170 REWARDS. The secretary of the department of social and health services or his designee shall have power to offer rewards not exceeding two hundred dollars, in the one case for the return of escaped convicts, and to pay the expenses of the apprehension, safekeeping and return of all escaped convicts by the officers of the penitentiary. He shall certify the amount of reward allowed and expenses incurred and prepare a voucher for the state treasurer, who shall draw his warrant for the amount found due out of any funds available therefor. [1973 c 106 § 32; 1959 c 28 § 72.08.170. Prior: 1891 c 147 § 27; RRS § 10231.]

Chapter 72.19
JUVENILE CORRECTIONAL INSTITUTION IN KING COUNTY

72.19.080 GENERAL OBLIGATION BOND ISSUE TO PROVIDE BUILDINGS--PROCEEDS FROM BOND SALE, GRANTS, DONATIONS, ETC.--DEPOSIT IN JUVENILE CORRECTIONAL INSTITUTION BUILDING CONSTRUCTION ACCOUNT. [1963 ex.s. c 27 § 2.] Repealed by 1973 1st ex.s. c 59 § 6.

72.19.090 GENERAL OBLIGATION BOND ISSUE TO PROVIDE BUILDINGS--APPROPRIATION FROM JUVENILE CORRECTIONAL INSTITUTION BUILDING CONSTRUCTION ACCOUNT--PURPOSE. [1963 ex.s. c 27 § 3.] Repealed by 1973 1st ex.s. c 59 § 6.

72.19.091 GENERAL OBLIGATION BOND ISSUE TO PROVIDE BUILDINGS--EXPENDITURES FOR PURCHASE OF EQUIPMENT. [1965 ex.s. c 10 § 1.] Repealed by 1973 1st ex.s. c 59 § 6.

Chapter 72.23
STATE HOSPITALS FOR MENTALLY ILL

72.23.010 DEFINITIONS. As used in this chapter, the following terms shall have the following meanings:

"Mentally ill person" shall mean any person who, pursuant to the definitions contained in RCW 71.05.020, as a result of a mental disorder presents a likelihood of serious harm to others or himself or is gravely disabled.

"Patient" shall mean a person under observation, care or treatment in a state hospital, or a person found mentally ill by the court, and not discharged from a state hospital, or other facility, to which such person had been ordered hospitalized.

"Licensed physician" shall mean an individual licensed as a physician under the laws of the state, or a medical officer, similarly qualified, of the government of the United States while in this state in performance of his official duties.

"State hospital" shall mean any hospital operated and maintained by the state of Washington for the care of the mentally ill.

"Superintendent" shall mean the superintendent of a state hospital.

"Court" shall mean the superior court of the state of Washington.

"Resident" shall mean a resident of the state of Washington.

Wherever used in this chapter, the masculine shall include the feminine and the singular shall include the plural. [1973 1st ex.s. c 142 § 3; 1959 c 28 § 72.23-.010. Prior: 1951 c 139 § 2.]

Severability--Construction--Effective date--1973 1st ex.s. c 142: See RCW 71.05.900-71.05.930.

72.23.070 VOLUNTARY PATIENTS--RIGHT TO RECEIVE--APPLICATION--RETENTION OF PERSON REACHING EIGHTEEN YEARS. Pursuant to rules and regulations established by the department, a state hospital may receive any person who is a suitable person for care and treatment as mentally ill, or for observation as to the existence of mental illness, upon the receipt of a written application of the person, or others on his behalf, in accordance with the following requirements:

(1) In the case of a person eighteen years of age or over, the application shall be voluntarily made by the person, at a time when he is in such condition of mind as to render him aware of the significance of his act;

(2) In the case of a person under eighteen years of age, the application shall be made by his parents, or by the parent, conservator, guardian, or other person entitled to his custody. All such applications shall be reviewed by the county mental health professionals, who shall submit a written report and evaluation with recommendations to the superintendent of the state hospital to which such application is made stating whether treatment is necessary and proper on a voluntary basis and evaluating the reasons for voluntary commitment. A person under eighteen years of age received into a state hospital as a voluntary patient shall not be retained after he reaches eighteen years of age, but such person,

upon reaching eighteen years of age, may apply for admission into a state hospital as a voluntary patient;

(3) In the case of a person eighteen years of age or over for whom a conservator or guardian of the person has been appointed, such application shall be made by said conservator or guardian, when so authorized by proper court order in the conservatorship or guardianship proceedings. [1973 2nd ex.s. c 24 § 1; 1973 1st ex.s. c 142 § 4; 1971 ex.s. c 292 § 50; 1959 c 28 § 72.23.070. Prior: 1951 c 139 § 11; 1949 c 198 § 19, part; Rem. Supp. 1949 § 6953-19, part. Formerly RCW 71.02.030.]

Severability--Construction--Effective date--1973 1st ex.s. c 142: See RCW 71.05.900-71.05.930.

72.23.090 VOLUNTARY PATIENTS--DETENTION. [1971 ex.s. c 292 § 51; 1959 c 28 § 72.23.090. Prior: 1951 c 139 § 13; 1949 c 198 § 19, part; Rem. Supp. 1949 § 6953-19, part. Formerly RCW 71.02.050.] Repealed by 1973 1st ex.s. c 142 § 66.

72.23.100 VOLUNTARY PATIENTS--POLICY--DURATION. It shall be the policy of the department to permit liberal use of the foregoing sections for the admission of those cases that can be benefited by treatment and returned to normal life and mental condition, in the opinion of the superintendent, within a period of six months. No person shall be carried as a voluntary patient for a period of more than one year. [1973 1st ex.s. c 142 § 5; 1959 c 28 § 72.23.100. Prior: 1951 c 139 § 14; 1949 c 198 § 19, part; Rem. Supp. 1949 § 6953-19, part. Formerly RCW 71.02.060.]

Severability--Construction--Effective date--1973 1st ex.s. c 142: See RCW 71.05.900-71.05.930.

72.23.140 PAROLE OR DISCHARGE--REVOCA-TION OF PAROLE. [1959 c 28 § 72.23.140. Prior: 1951 c 139 § 41. Formerly RCW 71.02.610.] Repealed by 1973 1st ex.s. c 142 § 66.

72.23.150 PAROLE--REVOCATION BY COURT--EMERGENCY DETENTION. [1959 c 28 § 72.23.150. Prior: 1951 c 139 § 42. Formerly RCW 71.02.620.] Repealed by 1973 1st ex.s. c 142 § 66.

72.23.220 LETTERS TO OR FROM PATIENTS. [1959 c 28 § 72.23.220. Prior: 1957 c 54 § 1; 1951 c 139 § 48. Formerly RCW 71.02.590.] Repealed by 1973 1st ex.s. c 142 § 66.

72.23.270 EXCLUSIONS FROM STATE HOSPITALS--IDIOTS, IMBECILES, ETC. [1959 c 28 § 72.23.270. Prior: 1951 c 139 § 66. Formerly RCW 71.02.500.] Repealed by 1973 1st ex.s. c 142 § 66.

Chapter 72.25

NONRESIDENT INSANE, FEEBLE-MINDED--SEXUAL PSYCHOPATHS, AND PSYCHOPATHIC DELINQUENTS

72.25.040 BRINGING COMMITTED PERSON INTO STATE WITHOUT PERMISSION--PENALTY. [1965 c 78 § 4; 1959 c 28 § 72.25.040. Prior: 1957 c 29 § 4; 1953 c 232 § 4. Formerly RCW 71.04.300.] Repealed by 1973 1st ex.s. c 142 § 66.

Chapter 72.33

STATE RESIDENTIAL SCHOOLS

72.33.020 DEFINITIONS. As used in this chapter, unless the context requires otherwise:

(1) "Mental deficiency" is a state of subnormal development of the human organism in consequence of which the individual affected is mentally incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

(2) "Physical deficiency" is a state of physical impairment of the human organism in consequence of which the individual affected is physically incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

(3) "Parent" is the person or persons having the legal right to custody of a child by reason of kinship by birth or adoption.

(4) "State school" shall mean any residential school of the department established, operated and maintained by the state of Washington for the education, guidance, care, treatment and rehabilitation of mentally and/or physically deficient persons as defined herein.

(5) "Resident of a state school" shall mean a person, whose mental and/or physical involvement requires the specialized care, treatment and educational instruction therein provided, and who has been admitted upon parental or guardian's application, or found in need of residential care by proper court and duly received.

(6) "Court" shall mean the superior court of the state of Washington.

(7) "Division" shall mean the division of children and youth services of the department of institutions or its successor.

(8) "Resident of the state of Washington" shall mean a person who has acquired his domicile in this state by continuously residing within the state for

a period of not less than one year before application for admission is made: PROVIDED, That the residence of an unemancipated minor shall be imputed from the residence of the parents if they are living together, or from the residence of the parent with whom the child resides, and if the parental rights and responsibilities regarding a minor have been transferred by the court, then the residence of such minor shall be imputed from the person to whom such have been awarded.

(9) "Superintendent" shall mean the superintendent of Lakeland Village, Rainier school and other like residential schools that may be hereafter established.

(10) "Custody" shall mean the right of immediate physical attendance, retention and supervision.

(11) "Placement" shall mean an extramural status for the resident's best interests granted by the superintendent after reasonable notice and consultation with the parents or guardian of such resident.

(12) "Discharge" shall mean the relinquishment by a state school of all rights and responsibilities it may have acquired by reason of the acceptance for admission of any resident. [1973 1st ex.s. c 154 § 101; 1959 c 28 § 72.33.020. Prior: 1957 c 102 § 2.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 72.36

SOLDIERS' AND VETERANS' HOMES

72.36.040 COLONY ESTABLISHED--WHO MAY BE ADMITTED (AS AMENDED BY 1973 c 101 § 1). There is hereby established what shall be known as the "Colony of the State Soldiers' Home." All of the following persons who reside within the limits of Orting school district and have been actual bona fide citizens of this state for a period of three years at the time of their application and who have personal property of less than one thousand dollars and/or a monthly income insufficient to meet their needs as determined by the standards of the department of social and health services, may be admitted to membership in said colony under such rules and regulations as may be adopted by the department.

(1) All honorably discharged veterans who have served in the armed forces of the United States during wartime, members of the state militia disabled while in the line of duty, and their respective spouses with whom they have lived for three years prior to application for membership in said colony. Also, the spouse of a veteran or disabled member of the state militia, who is eligible for membership in said colony, if such spouse is the widow or widower of a veteran who was a member of a soldiers' home or colony in this state or entitled to admission thereto at the time of death: PROVIDED, That such

veterans and members of the state militia shall, while they are members of said colony, be living with their said spouses.

(2) The widows or widowers of all veterans who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death, and the widows or widowers of all veterans who would have been entitled to admission to a soldiers' home or colony in this state at the time of death but for the fact that they were not indigent and unable to support themselves and families, which widows or widowers have since the death of their said spouses become indigent and unable to earn a support for themselves: PROVIDED, That such widows or widowers are not less than fifty years of age and have not been married since the decease of their said spouses to any person not a member of a soldiers' home or colony in this state or entitled to admission thereto. Any resident of said colony may be admitted to the hospital at the state soldiers' home for temporary care when requiring hospital treatment. [1973 c 101 § 1; 1959 c 235 § 1; 1959 c 28 § 72.36.040. Prior: 1947 c 190 § 1; 1925 ex.s. c 74 § 1; 1915 c 106 § 2; Rem. Supp. 1947 § 10730.]

Reviser's note: RCW 72.36.040 was amended twice during the 1973 regular and first extraordinary sessions of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

72.36.040 COLONY ESTABLISHED--WHO MAY BE ADMITTED (AS AMENDED BY 1973 1ST EX.S. C 154 § 102). There is hereby established what shall be known as the "Colony of the State Soldiers' Home." All of the following persons who reside within the limits of Orting precinct and have been actual bona fide citizens of this state for a period of three years at the time of their application and who have personal property of less than one thousand dollars and/or a monthly income insufficient to meet their needs as determined by the standards of the county welfare department, may be admitted to membership in said colony under such rules and regulations as may be adopted by the department.

(1) All honorably discharged soldiers, sailors and marines, who have served the United States government in any of its wars, and members of the state militia disabled while in the line of duty, and their spouses, who were married and living with their spouses for five years prior to application to membership in said colony or who, since said date, have married widows of soldiers or widowers of soldiers who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death: PROVIDED, That such soldiers, sailors, and

marines and members of the state militia shall, while they are members of said colony, be living with their said spouses.

(2) The spouses of all soldiers who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death, and the spouses of all soldiers who would have been entitled to admission to a soldiers' home or colony in this state at the time of death but for the fact that they were not indigent and unable to support themselves and families, which spouses have since the death of their said husbands or wives become indigent and unable to earn a support for themselves: PROVIDED, That such spouses are not less than fifty years of age and have not been married since the decease of their said husbands or wives to any person not a member of a soldiers' home or colony in this state or entitled to admission thereto. Any resident of said colony may be admitted to the hospital at the state soldiers' home for temporary care when requiring hospital treatment. [1973 1st ex.s. c 154 § 102; 1959 c 235 § 1; 1959 c 28 § 72.36.040. Prior: 1947 c 190 § 1; 1925 ex.s. c 74 § 1; 1915 c 106 § 2; Rem. Supp. 1947 § 10730.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

Reviser's note: RCW 72.36.040 was amended twice during the 1973 regular and first extraordinary sessions of the legislature, each without reference to the other.

For rule of construction concerning sections amended twice at the same legislative session, see RCW 1.12.025.

72.36.050 REGULATIONS OF HOME APPLICABLE--RATIONS, MEDICAL ATTENDANCE, CLOTHING. The members of the colony established in RCW 72.36.040 as now or hereafter amended shall, to all intents and purposes, be members of the state soldiers' home and subject to all the rules and regulations thereof, except the requirements of fatigue duty, and each member shall, in accordance with rules and regulations adopted by the director, be supplied with medical attendance and supplies from the home dispensary and rations not exceeding thirty dollars per month in value, and clothing not exceeding sixty dollars per year in value for a member and spouse, and thirty-five dollars per year in value for a spouse admitted under RCW 72.36.040 as now or hereafter amended. [1973 1st ex.s. c 154 § 103; 1967 c 112 § 1; 1959 c 28 § 72.36.050. Prior: 1947 c 190 § 2; 1939 c 161 § 1; 1927 c 276 § 1; 1925 ex.s. c 74 § 1; 1915 c 106 § 3; Rem. Supp. 1947 § 10731.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

72.36.080 WHO MAY BE ADMITTED TO VETERANS' HOME. All of the following persons who have been actual bona fide residents of this state for a period of three years at the time of their application and who are indigent and unable to earn a support for themselves and families may be admitted to the Washington veterans' home under such rules and regulations as may be adopted by the director:

(1) All honorably discharged veterans of the armed forces of the United States who have served the United States in any of its wars, and members of the state militia disabled while in the line of duty, and the spouses of such veterans, and members of the state militia: PROVIDED, That such spouse was married to and living with such veteran on or before three years prior to the date of application for admittance, or, if married to him or her since that date, was also a member of a soldiers' home or colony in this state or entitled to admission thereto.

(2) The spouses of all soldiers, sailors, and marines and members of the state militia disabled while in the line of duty, who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death, and spouses of all such soldiers, sailors, and marines and members of the state militia, who would have been entitled to admission to a soldiers' home or colony in this state at the time of death but for the fact that they were not indigent and unable to earn a support for themselves and families, which spouses have since the death of their husbands or wives, become indigent and unable to earn a support for themselves: PROVIDED, That such spouses are not less than fifty years of age and were married and living with their husbands or wives on or before three years prior to the date of their application, and have not been married since the decease of their husbands or wives to any person not a member of a soldiers' home or colony in this state or entitled to admission thereto. [1973 1st ex.s. c 154 § 104; 1959 c 28 § 72.36.080. Prior: 1955 c 104 § 1; 1927 c 276 § 2; 1915 c 106 § 4; RRS § 10732.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 72.41

BOARD OF TRUSTEES—SCHOOL FOR THE BLIND.

72.41.010 INTENTION—PURPOSE. It is the intention of the legislature in creating a board of trustees for the state school for the blind to perform the duties set forth in this chapter, that the board of trustees perform needed advisory services to the legislature and directly to the secretary of the department of social and health services, hereinafter denominated the "secretary", in the development

of programs for the blind, and in the operation of the Washington state school for the blind. [1973 c 118 § 1.]

72.41.020 BOARD OF TRUSTEES—CREATED—MEMBERSHIP—TERMS—VACANCIES—OFFICERS—RULES AND REGULATIONS. There is hereby created a board of trustees for the state school for the blind to be composed of eleven trustees. In making such appointments the governor shall give consideration to geographical exigencies and shall appoint one trustee residing in each of the state's congressional districts. A representative of the parent-teachers association of the Washington state school for the blind, a representative of the Washington council of the blind, a representative of the Washington state association for the blind and one representative designated by the teacher association, Washington state school for the blind shall each be ex officio and nonvoting members of the board of trustees and shall serve during their respective tenures in such positions.

The initial appointees of the governor to the board of trustees shall draw lots at the first meeting thereof to determine their respective initial terms. One trustee shall serve for one year, one for two years, two for three years, one for four years, and two for five years.

Thereafter the successors of the trustees initially appointed shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of the term.

One trustee shall be a resident and qualified elector from each of the state's seven congressional districts. No voting trustee may be an employee of the state school for the blind, a member of the board of directors of any school district, a member of the governing board of any public or private educational institution, or an elected officer or member of the legislative authority or any municipal corporation.

The board of trustees shall organize itself by electing a chairman from its members. The board shall adopt a seal and may adopt such bylaws, rules, and regulations as it deems necessary for its own government. Four voting members of the board shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. The superintendent of the state school for the blind shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board. [1973 c 118 § 2.]

72.41.030 BYLAWS—RULES AND REGULATIONS—OFFICERS. Within thirty days of their appointment or July 1, 1973, whichever is sooner, the board of trustees shall organize, adopt bylaws for its own government, and make such rules and regulations not inconsistent with this chapter as they deem necessary. At such organizational meeting it shall elect from among its members a chairman and a vice chairman, each to serve for one year, and annually thereafter shall elect such officers to serve until their successors are appointed or qualified. [1973 c 118 § 3.]

72.41.040 POWERS AND DUTIES. Under the general auspices of the secretary of the department of social and health services, the board of trustees of the state school for the blind:

(1) Shall monitor and inspect all existing facilities of the state school for the blind, and report its findings to the secretary;

(2) Shall study and recommend comprehensive programs of education and training and review the admission policy as set forth in RCW 72.40.040 and 72.40.050, and make appropriate recommendations to the secretary;

(3) Shall advise the secretary in selection of qualified candidates for superintendent, members of the faculty and such other administrative officers and other employees, who shall all be subject to chapter 41.06 RCW, the state civil service law, unless specifically exempted by other provisions of law. All employees and personnel classified under chapter 41.06 RCW shall continue, after June 7, 1973, to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state civil service law;

(4) May recommend to the secretary the establishment of new facilities as needs demand;

(5) May recommend to the secretary rules and regulations for the government, management, and operation of such housing facilities deemed necessary or advisable;

(6) May make recommendations to the secretary concerning classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for the school for the blind;

(7) May make recommendations to the secretary for adoption of rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the school for the blind;

(8) Shall recommend to the secretary, with the assistance of the faculty, the course of study including vocational training in the school for the blind, in accordance with other applicable provisions of law and rules and regulations;

(9) May grant to every student, upon graduation or completion of a program or course of study, a suitable diploma, non-baccalaureate degree, or certificate;

(10) Shall participate in the development of, and monitor the enforcement of the rules and regulations pertaining to the school for the blind;

(11) Shall perform any other duties and responsibilities prescribed by the secretary. [1973 c 118 § 4.]

72.41.050 ELIGIBILITY AND CERTIFICATION OF TEACHERS—RULES AND REGULATIONS. The board of trustees shall recommend rules and regulations determining eligibility for and certification of teachers in the state school for the blind, including certification for emergency or temporary, substitute or provisional duty. [1973 c 118 § 5.]

72.41.060 PER DIEM—EXPENSES. Each member of the board of trustees shall receive per diem as provided in RCW 43.03-.050, and necessary expenses and other actual mileage or transportation costs as provided in RCW 43.03.060, and such payments shall be a proper charge to any funds appropriated or allocated for the support of the state school for the blind. [1973 c 118 § 6.]

72.41.070 MEETINGS. The board of trustees shall meet at least six times each year. [1973 c 118 § 7.]

72.41.080 LOCAL ADVISORY COMMITTEES. The board of trustees shall appoint a local advisory committee consisting of five or more persons from the local community and surrounding areas to advise the board on any matter relating to the development of vocational programs for the blind or relating to the operation of the state school for the blind. [1973 c 118 § 8.]

Chapter 72.64
LABOR AND EMPLOYMENT OF PRISONERS

72.64.040 CREDITING OF EARNINGS—PAYMENT. Where a prisoner is employed at any occupation for which pay is allowed or permitted, or at any gainful occupation from which the state derives an income, the department shall credit the prisoner with the total amount of his earnings.

The amount of earnings credited but unpaid to a prisoner may be paid to the prisoner's spouse, children, mother, father, brother, or sister as the inmate may direct upon approval of the superintendent. Upon release, parole, or discharge, all unpaid earnings of the prisoner shall be paid to him. [1973 1st ex.s. c 154 §

105; 1959 c 28 § 72.64.040. Prior: 1957 c 19 § 1; 1927 c 305 § 3; RRS § 10223-3. Formerly RCW 72.08.250.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 72.65
WORK RELEASE PROGRAM

Cross Reference:

Victims of crimes, reimbursement by convicted person as condition of work release or parole: RCW 7.68.120.

Chapter 72.66
FURLOUGHS FOR PRISONERS

72.66.010 DEFINITIONS. As used in this chapter the following words shall have the following meanings:

(1) "Department" means the department of social and health services.

(2) "Furlough" means an authorized leave of absence for an eligible resident, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or corrections official while on such leave.

(3) "Emergency furlough" means a specially expedited furlough granted to a resident to enable him to meet an emergency situation, such as the death or critical illness of a member of his family.

(4) "Resident" means a person convicted of a felony and serving a sentence for a term of confinement in a state correctional institution or facility, or a state approved work or training release facility.

(5) "Secretary" means the secretary of the department of social and health services, or his designee or designees. [1973 c 20 § 2; 1971 ex.s. c 58 § 2.]

Construction--Prior rules and regulations--1973 c 20: "The provisions of this 1973 amendatory act shall not affect the validity of any rule or regulation adopted prior to the effective date of this 1973 amendatory act, if such rule or regulation is not in conflict with any provision of this 1973 amendatory act." [1973 c 20 § 17.] This applies to the 1973 amendment to this section, to RCW 72.66.012 through 72.66.044, and to the repeal of RCW 72.66.020, 72.66.030 and 72.66.040.

The effective date of 1973 c 20 was June 7, 1973.

72.66.012 GRANTING OF FURLOUGHS AUTHORIZED. The secretary may grant a furlough but only if not precluded from doing so under RCW 72.66.014, 72.66.016, 72.66.018, 72.66.024, 72.66.034, or 72.66.036. [1973 c 20 § 3.]

72.66.014 INELIGIBILITY GROUNDS. A resident may apply for a furlough if he is not precluded from doing so under this section. A resident shall be ineligible to apply for a furlough if:

(1) He is not classified by the secretary as eligible for or on minimum security status; or

(2) His minimum term of imprisonment has not been set; or

(3) He has a valid detainer pending and the agency holding the detainer has not provided written approval for him to be placed on a furlough-eligible status. Such written approval may include either specific approval for a particular resident or general approval for a class or group of residents. [1973 c 20 § 4.]

72.66.016 MINIMUM TIME SERVED REQUIREMENT. A furlough shall not be granted to a resident if the furlough would commence prior to the time the resident has served the minimum amounts of time provided under this section:

(1) If his minimum term of imprisonment is longer than twelve months, he shall have served at least six months of the term;

(2) If his minimum term of imprisonment is less than twelve months, he shall have served at least ninety days and shall have no longer than six months left to serve on his minimum term;

(3) If he is serving a mandatory minimum term of confinement, he shall have served all but the last six months of such term. [1973 c 20 § 5.]

72.66.018 GROUNDS FOR GRANTING FURLOUGH. A furlough may only be granted to enable the resident:

(1) To meet an emergency situation, such as death or critical illness of a member of his family;

(2) To obtain medical care not available in a facility maintained by the department;

(3) To seek employment or training opportunities, but only when:

(a) There are scheduled specific work interviews to take place during the furlough;

(b) The resident has been approved for work or training release but his work or training placement has not occurred or been concluded; or

(c) When necessary for the resident to prepare a parole plan for a parole meeting scheduled to take place within one hundred and twenty days of the commencement of the furlough;

(4) To make residential plans for parole which require his personal appearance in the community;

(5) To care for business affairs in person when the inability to do so could deplete the assets or resources of the resident so seriously as to affect his family or his future economic security;

(6) To visit his family for the purpose of strengthening or preserving relationships, exercising parental responsibilities, or preventing family division or disintegration; or

(7) For any other purpose deemed to be consistent with plans for rehabilitation of the resident. [1973 c 20 § 6.]

72.66.020 FURLOUGHS AUTHORIZED FOR CERTAIN PRISONERS--CONDITIONS--TIME LIMITATIONS. [1971 ex.s. c 58 § 3.] Repealed by 1973 c 20 § 19.

72.66.022 APPLICATION--CONTENTS. Each resident applying for a furlough shall include in his application for the furlough:

(1) A furlough plan which shall specify in detail the purpose of the furlough and how it is to be achieved, the address at which the applicant would reside, the names of all persons residing at such address and their relationships to the applicant;

(2) A statement from the applicant's proposed sponsor that he agrees to undertake the responsibilities provided in RCW 72.66.024; and

(3) Such other information as the secretary shall require in order to protect the public or further the rehabilitation of the applicant. [1973 c 20 § 7.]

72.66.024 SPONSOR. No furlough shall be granted unless the applicant for the furlough has procured a person to act as his sponsor. No person shall qualify as a sponsor unless he satisfies the secretary that he knows the applicant's furlough plan, is familiar with the furlough conditions prescribed pursuant to RCW 72.66.026, and submits a statement that he agrees to:

(1) See to it that the furloughed person is provided with appropriate living quarters for the duration of the furlough;

(2) Notify the secretary immediately if the furloughed person does not appear as scheduled, departs from the furlough plan at any time, becomes involved in serious difficulty during the furlough, or experiences problems that affect his ability to function appropriately;

(3) Assist the furloughed person in other appropriate ways, such as discussing problems and providing transportation to job interviews; and

(4) Take reasonable measures to assist the resident to return from furlough. [1973 c 20 § 8.]

72.66.026 FURLOUGH TERMS AND CONDITIONS. The terms and conditions prescribed under this section shall apply to each furlough, and each resident granted a furlough shall agree to abide by them.

(1) The furloughed person shall abide by the terms of his furlough plan.

(2) Upon arrival at the destination indicated in his furlough plan, the furloughed person shall, when so required, report to a state probation and parole officer in accordance with instructions given by the secretary prior to release on furlough. He shall report as frequently as may be required by the state probation and parole officer.

(3) The furloughed person shall abide by all local, state and federal laws.

(4) With approval of the state probation and parole officer designated by the secretary, the furloughed person may accept temporary employment during a period of furlough.

(5) The furloughed person shall not leave the state at any time while on furlough.

(6) Other limitations on movement within the state may be imposed as a condition of furlough.

(7) The furloughed person shall not, in any public place, drink intoxicating beverages or be in an intoxicated condition. A furloughed person shall not enter any tavern, bar, or cocktail lounge.

(8) A furloughed person who drives a motor vehicle shall:

(a) have a valid Washington driver's license in his possession,

(b) have the owner's written permission to drive any vehicle not his own or his spouse's,

(c) have at least minimum personal injury and property damage liability coverage on the vehicle he is driving, and

(d) observe all traffic laws.

(9) Each furloughed person shall carry with him at all times while on furlough a copy of his furlough order prescribed pursuant to RCW 72.66.028 and a copy of the identification card issued to him pursuant to RCW 72.66.032.

(10) The furloughed person shall comply with any other terms or conditions which the secretary may prescribe. [1973 c 20 § 9.]

72.66.028 FURLOUGH ORDER--CONTENTS.

Whenever the secretary grants a furlough, he shall do so by a special order which order shall contain each condition and term of furlough prescribed pursuant to RCW 72.66.026 and each additional condition and term which the secretary may prescribe as being appropriate for the particular person to be furloughed. [1973 c 20 § 10.]

72.66.030 APPLICATION OF PRISONER FOR FURLOUGH--CONTENTS OF APPLICATION--RECOMMENDATION FOR APPROVAL OR DENIAL OF APPLICATION BY SUPERINTENDENT. [1971 ex.s. c 58 § 4.] Repealed by 1973 c 20 § 19.

72.66.032 FURLOUGH IDENTIFICATION CARD. The secretary shall issue a furlough identification card to each resident granted a furlough. The card shall contain the name of the resident and shall disclose the fact that he has been granted a furlough and the time period covered by the furlough. [1973 c 20 § 11.]

72.66.034 APPLICANT'S PERSONALITY AND CONDUCT--EXAMINATION. Prior to the granting of any furlough, the secretary shall examine the applicant's personality and past conduct and determine whether or not he represents a satisfactory risk for furlough. The secretary shall not grant a furlough to any person whom he believes represents an unsatisfactory risk. [1973 c 20 § 12.]

72.66.036 FURLOUGH DURATION--EXTENSION. (1) The furlough or furloughs granted to any one resident may not exceed thirty consecutive days or a total of sixty days during any twelve-month period. (2) Absent unusual circumstances, each first furlough and each second furlough granted to a resident shall not exceed a period of five days and each emergency furlough shall not exceed forty-eight hours plus travel time.

(3) A furlough may be extended within the maximum time periods prescribed under this section. [1973 c 20 § 13.]

72.66.038 FURLOUGH INFRACTIONS--REPORTING--REGAINING CUSTODY. Any employee of the department having knowledge of a furlough infraction shall report the facts to the secretary. Upon verification, the secretary shall cause the custody of the furloughed person to be regained, and for this purpose may cause a warrant to be issued. [1973 c 20 § 14.]

72.66.040 FINAL APPROVAL OR DENIAL OF APPLICATION BY SECRETARY--TERMS AND CONDITIONS OF FURLOUGH--MULTIPLE FURLOUGHS AUTHORIZED--PRISONER'S OATH REQUIRED. [1971 ex.s. c 58 § 5.] Repealed by 1973 c 20 § 19.

72.66.042 EMERGENCY FURLOUGH--WAIVER OF CERTAIN REQUIREMENTS. In the event of an emergency furlough, the secretary may waive all or any portion of RCW 72.66.014 (2), 72.66.016, 72.66.022, 72.66.024, and 72.66.026. [1973 c 20 § 15.]

72.66.044 APPLICATION PROCEEDING NOT DEEMED "CONTESTED CASE". Any proceeding involving an application for a furlough shall not be deemed a "contested case" under the provisions of chapter 34.04 RCW, the Administrative Procedure Act. [1973 c 20 § 16.]

72.66.100 LIABILITY OF STATE FOR DAMAGES TO PERSONS OR PROPERTY DUE TO CRIMINAL CONDUCT OF FURLOUGHED PRISONER--LIMITATION. [1972 ex.s. c 72 § 1.] Repealed by 1973 1st ex.s. c 122 § 18.

Reviser's note: For the effective date of the repeal of this section see RCW 7.68.900 and the footnote following that section.

TITLE 73
VETERANS AND VETERANS' AFFAIRS

Sections added, amended, or repealed:

Chapter 73.04 General Provisions.

73.04.010 Pension papers--Fees not to be charged.

Chapter 73.08 Veterans' Relief.

73.08.080 Tax levy authorized.

Chapter 73.16 Employment and Reemployment.

73.16.010 Preference in public employment.

Chapter 73.32 Veterans' Bonus--1949 Act.

73.32.020 Additional compensation authorized--Amount and to whom payable.

73.32.130 Cigarette tax authorized for bond interest and retirement--Segregation, transfer of funds--Dealer's compensation.

Chapter 73.33 Veterans' Bonus--1955 Act.

73.33.010 Declaration of policy.

73.33.020 Compensation authorized--Amount and to whom payable.

Chapter 73.04
GENERAL PROVISIONS

73.04.010 PENSION PAPERS--FEES NOT TO BE CHARGED. No judge, or clerk of court, county clerk, county auditor, or any other county officer, shall be allowed to charge any honorably discharged soldier or seaman, or the spouse, orphan, or legal representative thereof, any fee for administering any oath, or giving any official certificate for the procuring of any pension, bounty, or back pay, nor for administering any oath or oaths and giving the certificate required upon any voucher for collection of periodical dues from the pension agent, nor any fee for services rendered in perfecting any voucher. [1973 1st ex.s. c 154 § 106; 1891 c 14 § 1; RRS § 4232.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 73.08
VETERANS' RELIEF

73.08.080 TAX LEVY AUTHORIZED. The boards of county commissioners of the several counties in this state shall levy, in addition to the taxes now levied by law, a tax in a sum equal to the amount which would be raised by not less than one and one-eighth cents per thousand dollars of assessed value, and not greater than twenty-seven cents per thousand dollars of assessed value against the taxable property of their respective counties, to be levied and collected as now prescribed by law for the assessment and collection of taxes, for the purpose of creating the veteran's relief fund for the relief of honorably discharged veterans who served in the armed forces of the United States in the Civil War, in the war of Mexico or in any of the Indian wars, or the Spanish-American war or the Philippine insurrection, in the First World War, or Second World War or Korean conflict, or Viet Nam conflict, and the indigent wives, husbands, widows, widowers and minor children of such indigent or deceased veterans, to be disbursed for such relief by such board of county commissioners: PROVIDED, That if the funds on deposit, less outstanding warrants, residing in the veteran's relief fund on the first Tuesday in September exceed the expected yield of one and one-eighth cents per thousand dollars of assessed value against the taxable property of the county, the county commissioners may levy a lesser amount: PROVIDED FURTHER, That the costs incurred in the administration of said veteran's relief fund shall be computed by the county treasurer not less than annually and such amount may then be transferred from the veteran's relief fund as herein provided for to the county current expense fund. [1973 2nd ex.s. c 4 § 5; 1973 1st ex.s. c 195 § 86; 1970 ex.s. c 47 § 9; 1969 c 57 § 1; 1945 c 144 § 7; 1921 c 41 § 7; 1919 c 83 § 7; 1907 c 64 § 7; 1893 c 37 § 2; 1888 p 210 § 7; Rem. Supp. 1945 § 10742. Formerly RCW 73.08.020.]

Emergency and effective dates—1973 2nd ex.s. c 4: See notes following RCW 84.52.043.

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 73.16
EMPLOYMENT AND REEMPLOYMENT

73.16.010 PREFERENCE IN PUBLIC EMPLOYMENT. In every public department, and upon all public works of the state, and of any county thereof, honorably discharged soldiers, sailors, and marines who are veterans of any war of the United States, or of any military campaign for which a campaign ribbon shall have been awarded, and their spouses, shall be preferred for appointment and employment. Age, loss of limb, or other physical impairment, which does not in fact incapacitate, shall not be deemed to disqualify them, provided they possess the capacity necessary to discharge the duties of the position involved. [1973 1st ex.s. c 154 § 107; 1951 c 29 § 1; 1943 c 141 § 1; 1919 c 26 § 1; 1915 c 129 § 1; 1895 c 84 § 1; Rem. Supp. 1943 § 10753.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 73.32
VETERANS' BONUS—1949 ACT

73.32.020 ADDITIONAL COMPENSATION AUTHORIZED—AMOUNT AND TO WHOM PAYABLE. There shall be paid to each person who was on active federal service as a member of the armed military or naval forces of the United States between the seventh day of December, 1941, and the second day of September, 1945, who at the time of his or her entry upon active federal service and for a period of one year prior thereto was a bona fide citizen or resident of the state of Washington, or who was a member of one of the regular military services on December 7, 1941, and on that date and for one year prior thereto was a bona fide citizen or resident of the state of Washington, for service between said dates, the sum of ten dollars for each and every month or major fraction thereof of such duty performed within the continental limits of the United States, and fifteen dollars for each and every month or major fraction thereof of such duty performed outside the continental limits of the United States: PROVIDED, That persons who have already received extra compensation for such service from any other state or territory shall not be entitled to the compensation under this chapter, unless the amount of compensation so received is less than they would be entitled to hereunder, in which event they shall receive the difference between the compensation payable under this chapter and the extra compensation already received from such other state or territory. In case of the death of any such person prior to June 8, 1949, an equal amount shall be paid to his surviving spouse if not remarried at the time compensation is requested or in case

he left no spouse or in case his spouse has remarried and he has left children, then to his surviving children, or in the event he left no spouse eligible for payment hereunder or children surviving on June 8, 1949, then to his surviving parent or parents. [1973 1st ex.s. c 154 § 108; 1950 ex.s. c 13 § 1; 1949 c 180 § 1; Rem. Supp. 1949 § 10747a.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

73.32.130 CIGARETTE TAX AUTHORIZED FOR BOND INTEREST AND RETIREMENT—SEGREGATION, TRANSFER OF FUNDS—DEALER'S COMPENSATION. For the purpose of creating the fund for the retirement of such bonds upon maturity and the payment of interest thereon as it falls due, all proceeds hereafter received from the excise tax on cigarettes imposed by chapter 82.24 as now or hereafter amended, shall, so long as any part of principal or interest of the bonds herein provided for remains outstanding, be paid into the war veterans' compensation bond retirement fund hereinafter provided for.

In addition thereto, there is hereby levied and there shall be collected by the department of revenue from the persons mentioned in and in the manner provided by chapter 82.24, as now or hereafter amended, an excise tax upon the sale, use, consumption, handling, possession or distribution of cigarettes in an amount equal to the rate of one mill per cigarette, but the provisions of RCW 82.24.070 allowing dealers' compensation for affixing stamps shall not apply to this additional tax. Instead, wholesalers and retailers subject to the provisions of chapter 82.24 shall be allowed as compensation for their services in affixing the stamps for the additional tax required by this section a sum equal to one percent of the value of the stamps for such additional tax purchased or affixed by them.

All money derived from such tax shall be paid to the state treasurer and credited to a special trust fund to be known as the war veterans' compensation bond retirement fund, which shall be kept segregated from all money in the state treasury and shall, while any of the bonds herein authorized or any interest thereon remain unpaid, be available solely for the payment thereof.

Whenever the receipts into the war veterans' compensation bond retirement fund during any year exceed the annual amounts required for debt service, the balance shall be transferred by the state treasurer to the state general fund, and whenever there has accumulated in the war veterans' compensation bond retirement fund a sum in excess of the amount required in any year, as determined by the state finance committee, to meet obligations during that year for bond retirement and interest, the state treasurer shall transfer from such fund to the state general fund all money in excess of such amount.

When all bonds herein authorized and all interest thereon have been fully paid, all proceeds thereafter received from the excise tax on cigarettes imposed by chapter 82.24 RCW as now or hereafter amended, shall be paid into the war veterans' compensation fund, herewith created, for distribution to veterans who served during the Viet Nam conflict as provided by this 1972 amendatory act: PROVIDED, That, whenever the receipts into the war veterans' compensation fund during any year exceed four million five hundred thousand dollars, all sums received above that amount shall be transferred to the state general fund.

The amounts directed to be paid into the war veterans' compensation fund as provided by this 1972 amendatory act shall be a first and prior charge, subject only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued, against all cigarette tax revenues collected pursuant to RCW 82.24.020, 73.32.130, and 28A.47.440. [1973 c 41 § 1. Prior: 1972 ex.s. c 157 § 2; 1972 ex.s. c 154 § 7; 1971 ex.s. c 299 § 2; 1959 c 272 § 2; prior: 1953 c 240 § 1; 1949 c 180 § 9, part; Rem. Supp. 1949 § 10747i, part.]

Chapter 73.33
VETERANS' BONUS—1955 ACT

73.33.010 DECLARATION OF POLICY. Since the people of the state of Washington have recognized the sacrifices of its sons and daughters in the service of their country during World War II, and having desired to aid them in their return to civil life, did authorize the payment of certain compensation in recognition of such services, and since problems arising out of said conflict threatened to defeat the ideals for which said war was waged and made it necessary for many of our sons to again bear arms for the preservation of justice and peace, it is fitting and proper that we again recognize that service and give that helping hand to those who have given so much to us and have brought so much honor to our great state. [1973 1st ex.s. c 154 § 109; 1955 c 292 § 1.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

73.33.020 COMPENSATION AUTHORIZED—AMOUNT AND TO WHOM PAYABLE. There shall be paid to each person who was on active federal service as a member of the armed military or naval forces of the United States between the twenty-seventh day of June, 1950, and the twenty-sixth day of July, 1953, and who for a period of one year immediately prior to the date of his entry into such service, was a bona fide citizen or resident of the state of

Washington, for service between said dates, the sum of one hundred dollars for service in excess of eighty-nine days within the continental United States, the sum of one hundred fifty dollars for service in excess of eighty-nine days and less than three hundred sixty-five days where any part of such service was outside the continental limits of the United States, or the sum of two hundred dollars for service in excess of three hundred sixty-four days where any part of such service was outside the continental limits of the United States: PROVIDED, HOWEVER, That persons otherwise eligible who have been continuously in said armed services for a period of five years or more immediately prior to June 27, 1950, shall not be eligible to receive compensation under the terms of this chapter: PROVIDED FURTHER, That persons who have already received extra compensation or other benefits based upon claimed residence at the time of entry into such active service from any other state or territory shall not be entitled to compensation under this chapter.

In case of the death of any such person prior to June 10, 1955, an equal amount shall be paid to his surviving spouse if not remarried at the time compensation is requested, or in case he left no spouse or in case his spouse has remarried and he has left children, then to his surviving children, or in the event he left no spouse eligible for payment hereunder, or children surviving on June 10, 1955, then to his surviving parent or parents: PROVIDED, HOWEVER, That no such parent who has been deprived of custody of such child or children by a decree of a court of competent jurisdiction shall be entitled to any compensation under this chapter if the husband of the surviving spouse was either killed in action or died as a result of wounds or disabilities incurred in action during the period covered by this chapter, such spouse, if not remarried at the time compensation is requested, shall be entitled to the largest amount payable hereunder. [1973 1st ex.s. c 154 § 110; 1955 c 292 § 2.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

TITLE 74
PUBLIC ASSISTANCE

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- 74.04.006 Contract of sale of property—Availability as a resource or income—Establishment.
- 74.04.060 Records, etc., confidential—Exceptions—Penalty.

- 74.04.062 Disclosure of information to police officer or immigration official.
- 74.04.150 State levy for public assistance.
- 74.04.300 Recovery of payments improperly received—Lien.
- 74.04.527 Food stamp program—Penalty for reselling or purchasing resold food stamps or food purchased with food stamps.
- 74.04.530 Recipient receiving industrial insurance compensation—Subrogation rights of department—Lien—Withhold and deliver notice.
- 74.04.540 Recipient receiving industrial insurance compensation—Form of lien and notice to withhold and deliver.
- 74.04.550 Recipient receiving industrial insurance compensation—Effective date of lien and notice—Service.
- 74.04.560 Recipient receiving industrial insurance compensation—Duty to withhold and deliver—Amount.
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- 74.04.600 Supplemental security income program—Purpose.
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- 74.04.620 State supplementation to national program of supplemental security income—Authorized.
- 74.04.630 State supplementation to national program of supplemental security income—Contractual agreements with federal government—Authorization and ratification required.
- 74.04.640 Acceptance of referrals for vocational rehabilitation—Reimbursement.
- 74.04.650 Individuals failing to comply with federal drug abuse and alcoholism treatment requirements—Reapplication for state assistance required.

Chapter 74.08 Eligibility Generally—Standards of Assistance—Old Age Assistance.

- 74.08.047 General assistance for persons attending high school or vocational or technical institution.
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- 74.08.530 Homemaker-home health, chore, and personal and household services—Legislative finding.
- 74.08.540 Homemaker-home health, chore, and personal and household services—Definitions—Purpose—Eligible persons.
- 74.08.550 Homemaker-home health, chore, and personal and household services—Department to develop program.
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- 74.09.160 Presentment of charges by contractors—Revolving funds.

Chapter 74.12 Aid to Families With Dependent Children.

- 74.12.010 Definitions.
- 74.12.340 Day care.

Chapter 74.13 Child Welfare Services.

- 74.13.031 Duties of department—Establishment of child welfare and day care advisory committee—Duty of juvenile court.
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Chapter 74.20 Support of Dependent Children.

- 74.20.040 Duty of department to enforce child support—Support enforcement services.
- 74.20.101 Payment of support moneys collected to support enforcement and collections unit—Notice.
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- 74.20.230 Petition for support order by married parent with minor or legally adopted children who are receiving public assistance.
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Chapter 74.20A Support of Dependent Children—Alternative Method—1971 Act.

- 74.20A.030 Payment of public assistance for child constitutes debt to department by natural or adoptive parents—Limitations—Department subrogated to rights.
- 74.20A.040 Notice of support debt based upon subrogation to or assignment of judgment—Service or

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- 74.20A.130 Distraint, seizure and sale of property subject to liens under RCW 74.20A.060, procedure.
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- 74.20A.260 Industrial insurance disability compensation payments subject to lien and order to withhold and deliver.

Chapter 74.04

GENERAL PROVISIONS—ADMINISTRATION

74.04.006 CONTRACT OF SALE OF PROPERTY—AVAILABILITY AS A RESOURCE OR INCOME—ESTABLISHMENT. The department may establish, by rule and regulation, the availability of a contract of sale of real or personal property as a resource or income as defined in RCW 74.04.005. [1973 1st ex.s. c 49 § 2.]

74.04.060 RECORDS, ETC., CONFIDENTIAL—EXCEPTIONS—PENALTY. For the protection of applicants and recipients, the department and the county offices and their respective officers and employees are prohibited, except as hereinafter provided, from disclosing the contents of any records, files, papers and communications, except for purposes directly connected with the administration of the programs of this title. In any judicial proceeding, except such proceeding as is directly concerned with the administration of these programs, such records, files, papers and communications, and their contents, shall be deemed privileged communications and except for the right of any individual to inquire of the office whether a named individual is a recipient of welfare assistance and such person shall be entitled to an affirmative or negative answer. However, upon written request of a parent who has been awarded visitation rights in an action for divorce or separation, the department shall disclose to him or her the current address and location of his or her natural or adopted children. Information supplied to a parent by the department shall be used only for purposes directly related to the visitation provisions of the court order of separation or decree of divorce. No parent shall disclose such information to any other person except for the purpose of enforcing visitation provisions of the said order or decree.

The county offices shall maintain monthly at their offices a report showing the names and addresses of all recipients in the county receiving public assistance under this title, together with the amount paid to each during the preceding month.

The provisions of this section shall not apply to duly designated representatives of approved private welfare agencies, public officials, members of legislative interim committees and advisory committees when performing duties directly connected with the administration of this title, such as regulation and investigation directly connected therewith: PROVIDED, HOWEVER, That any information so obtained by such persons or groups shall be treated with such degree of confidentiality as is required by the federal social security law.

It shall be unlawful, except as provided in this section, for any person, body, association, firm, corporation or other agency to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists or names for commercial or political purposes of any nature. The violation of this section shall be a gross misdemeanor. [1973 c 152 § 1; 1959 c 26 § 74.04.060. Prior: 1953 c 174 § 7; 1950 ex.s. c 10 § 1; 1941 c 128 § 5; Rem. Supp. 1941 § 10007-106b.]

Severability—1973 c 152: "If any provision of this 1973 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." [1973 c 152 § 3.] This applies to RCW 74.04.062 and to the amendment to RCW 74.04.060 by 1973 c 152 § 1.

74.04.062 DISCLOSURE OF INFORMATION TO POLICE OFFICER OR IMMIGRATION OFFICIAL. Upon written request of a person who has been properly identified as an officer of the law with a felony arrest warrant or a properly identified United States immigration official with a warrant for an illegal alien the department shall disclose to such officer the current address and location of the person properly described in the warrant. [1973 c 152 § 2.]

Severability—1973 c 152: See note following RCW 74.04.060.

74.04.150 STATE LEVY FOR PUBLIC ASSISTANCE. [1971 ex.s. c 281 § 17; 1970 ex.s. c 92 § 3; 1969 ex.s. c 262 § 66; 1959 c 26 § 74.04.150. Prior: 1953 c 174 § 43; 1943 c 172 § 2, part; 1941 c 128 § 3; 1939 c 216 § 10, part; Rem. Supp. 1943 § 10007-110a, part.] Repealed by 1973 1st ex.s. c 195 § 133.

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

74.04.300 RECOVERY OF PAYMENTS IMPROPERLY RECEIVED—LIEN. If a recipient receives public assistance for which he is not eligible, or receives public assistance in an amount greater than that for which he is eligible, the portion of the payment to which he is not entitled shall be a debt due the state: PROVIDED, That if any part of any assistance payment is obtained by a person as a result of a wilfully false statement, or representation, or impersonation, or other fraudulent device, or wilful failure to reveal resources or income, one hundred twenty-five percent of the amount of assistance to which he was not entitled shall be a debt due the state and shall become a lien against the real and personal property of such person from the time of filing by the department with the county auditor of the county in which the person resides or owns property, and such lien claim shall have preference to the claims of all unsecured creditors. It shall be the duty of recipients of public assistance to notify the department within twenty days of the receipt or possession of all income or resources not previously declared to the department, and any failure to so report shall be prima facie evidence of fraud: PROVIDED FURTHER, That there shall be no

liability placed upon recipients for receipt of overpayments of public assistance which result from error on the part of the department and no fault on the part of the recipient in obtaining or retaining the assistance if the recovery thereof would be inequitable as determined by the director or his designee.

Debts due the state pursuant to the provisions of this section, may be recovered by the state by deduction from the subsequent assistance payments to such persons or may be recovered by a civil action instituted by the attorney general. [1973 1st ex.s. c 49 § 1; 1969 ex.s. c 173 § 18; 1959 c 26 § 74.04.300. Prior: 1957 c 63 § 3; 1953 c 174 § 35; 1939 c 216 § 27; RRS § 10007-127a.]

74.04.527 FOOD STAMP PROGRAM--PENALTY FOR RESELLING OR PURCHASING RESOLD FOOD STAMPS OR FOOD PURCHASED WITH FOOD STAMPS.
See RCW 9.91.120.

74.04.530 RECIPIENT RECEIVING INDUSTRIAL INSURANCE COMPENSATION--SUBROGATION RIGHTS OF DEPARTMENT--LIEN--WITHHOLD AND DELIVER NOTICE. Notwithstanding any provisions in Title 51 RCW to the contrary, by accepting public assistance from the department of social and health services, the recipient thereof shall be deemed to have subrogated said department to the recipient's right to recover net time loss compensation due to such recipient pursuant to the provisions of Title 51 RCW of up to eighty percent of the extent of such assistance or compensation, whichever is less, furnished to the recipient for or during the period for which time loss compensation is payable: PROVIDED, That where public assistance has been furnished to one or more persons to whom such a recipient owes a duty of support, whether such duty has been expressed by an order of court or otherwise, the department's right to recover any time loss compensation shall be limited to that part of such compensation allocated to such persons by RCW 51.32.090: PROVIDED, FURTHER, That the amount to be repaid to the department of social and health services shall bear its proportionate share of attorney's fees and costs, if any, incurred by the injured workman or his dependents. The department of social and health services may assert and enforce a lien and notice to withhold and deliver as hereinafter provided to secure reimbursement of any public assistance paid for or during the period and for the purposes expressed in this section: PROVIDED, FURTHER, That no claim for payment under chapter 73.34 RCW shall be subject to garnishment, attachment, levy, or execution. [1973 1st ex.s. c 102 § 1.]

74.04.540 RECIPIENT RECEIVING INDUSTRIAL INSURANCE COMPENSATION--FORM OF LIEN AND NOTICE TO WITHHOLD AND DELIVER. The form of lien and notice to withhold and deliver in RCW 74.04.530 shall be signed by the secretary or his authorized representative and shall be substantially as follows:

STATEMENT OF LIEN AND NOTICE
TO WITHHOLD AND DELIVER

TO: State of Washington, Department of Labor and Industries

NOTICE IS HEREBY GIVEN THAT DURING THE PERIOD commencing _____ and ending _____, the department of social and health services furnished public assistance to _____ in the amount of \$_____, and therefore it claims a lien in the amount of \$_____, upon time loss compensation payable to said recipient for or during said period in the amount above stated. You are therefore commanded to withhold and deliver to the department of social and health services, to the extent of the amount claimed due, any funds you now hold or which may come into your possession on account of time loss compensation payable to said recipient for or during the period mentioned.

STATE OF WASHINGTON, DEPARTMENT
OF SOCIAL AND HEALTH SERVICES
BY _____

(Title)

[1973 1st ex.s. c 102 § 2.]

74.04.550 RECIPIENT RECEIVING INDUSTRIAL INSURANCE COMPENSATION--EFFECTIVE DATE OF LIEN AND NOTICE--SERVICE. The effective date of the statement of lien and notice to withhold and deliver provided in RCW 74.04.540, shall be the day that it is received by the director of the department of labor and industries or an employee of his office of suitable discretion: PROVIDED, That service of such statement of lien and notice to withhold and deliver may be made personally or by regular mail, postage prepaid: PROVIDED, FURTHER, That a copy of the statement of lien and notice to withhold and deliver shall be mailed to the recipient at his last known address by certified mail, return receipt requested, no later than three days after such statement of lien and notice to withhold and deliver has been mailed or delivered to the department of labor and industries. [1973 1st ex.s. c 102 § 3.]

74.04.560 RECIPIENT RECEIVING INDUSTRIAL INSURANCE COMPENSATION--DUTY TO WITHHOLD AND DELIVER--AMOUNT. The director of the department of labor and industries, following receipt of the statement of lien and notice to withhold and deliver, shall deliver to the secretary of the

department of social and health services or his designee any funds up to the amount claimed he may hold, or which may at any time come into his possession, on account of time loss compensation payable to said recipient for or during the period stated, immediately upon a final determination of the recipient's entitlement to the time loss compensation in accordance with the provisions of Title 51 RCW. [1973 1st ex.s. c 102 § 4.]

74.04.570 RECIPIENT RECEIVING INDUSTRIAL INSURANCE COMPENSATION--HEARING. Any person feeling himself aggrieved by the action of the department of social and health services in impounding his time loss compensation as provided in RCW 74.04.530 through 74.04.580 shall have the right to an administrative hearing, which hearing may be conducted by an examiner designated by the secretary for such purpose.

Any such person who desires a hearing shall, within thirty days after the notice to withhold and deliver has been mailed to or served upon the director of the department of labor and industries and said appellant, file with the secretary a notice of appeal from said action.

The hearings conducted shall be in accordance with chapter 34.04 RCW (Administrative Procedure Act). [1973 1st ex.s. c 102 § 5.]

74.04.580 RECIPIENT RECEIVING INDUSTRIAL INSURANCE COMPENSATION--APPLICATION. RCW 74.04.530 through 74.04.580 shall not apply to persons whose eligibility for benefits under Title 51 RCW, is based upon an injury or illness occurring prior to July 1, 1972. [1973 1st ex.s. c 102 § 6.]

74.04.600 SUPPLEMENTAL SECURITY INCOME PROGRAM--PURPOSE. The purpose of RCW 74.04.600 through 74.04.650 is to recognize and accept that certain act of congress known as Public Law 92-603 and Public Law 93-66, and to enable the department of social and health services to take advantage of and implement the provisions of that act. The state shall provide assistance to those individuals who were eligible or would have been eligible for benefits under this state's old age assistance, disability assistance, and aid to the blind programs as they were in effect in December, 1973 but who will no longer be eligible for such program due to Title XVI of the Social Security Act. [1973 2nd ex.s. c 10 § 1.]

74.04.610 SUPPLEMENTAL SECURITY INCOME PROGRAM--TERMINATION OF FEDERAL FINANCIAL ASSISTANCE PAYMENTS--SUPERSESION BY SUPPLEMENTAL SECURITY INCOME PROGRAM. Effective January 1, 1974, the financial assistance payments under the federal aid

categories of old age assistance, disability assistance, and blind assistance provided in chapters 74.08, 74.10, and 74.16 RCW, respectively, and the corresponding provisions of RCW 74.04.005, shall be terminated and superseded by the national program to provide supplemental security income to individuals who have attained age sixty-five or are blind or disabled as established by Public Law 92-603 and Public Law 93-66: PROVIDED, That the agreements between the department of social and health services and the United States department of health, education and welfare receive such legislative authorization and/or ratification as required by RCW 74.04.630. [1973 2nd ex.s. c 10 § 2.]

74.04.620 STATE SUPPLEMENTATION TO NATIONAL PROGRAM OF SUPPLEMENTAL SECURITY INCOME--AUTHORIZED. The department is authorized to establish a program of state supplementation to the national program of supplemental security income consistent with Public Law 92-603 and Public Law 93-66 to those persons who are in need thereof in accordance with eligibility requirements established by the department.

The department is authorized to establish reasonable standards of assistance and resource and income exemptions specifically for such program of state supplementation which shall be consistent with the provisions of the Social Security Act. [1973 2nd ex.s. c 10 § 3.]

74.04.630 STATE SUPPLEMENTATION TO NATIONAL PROGRAM OF SUPPLEMENTAL SECURITY INCOME--CONTRACTUAL AGREEMENTS WITH FEDERAL GOVERNMENT--AUTHORIZATION AND RATIFICATION REQUIRED. The department shall enter into contractual agreements with the United States department of health, education and welfare, consistent with the provisions of Public Laws 92-603 and 93-66, and to be effective January 1, 1974, for the purpose of enabling the secretary of the department of health, education and welfare to perform administrative functions of state supplementation to the national supplemental security income program and the determination of medicaid eligibility on behalf of the state. The department is authorized to transfer and make payments of state funds to the secretary of the department of health, education and welfare as required by Public Laws 92-603 and 93-66: PROVIDED, HOWEVER, That such agreements shall be submitted for review and comment to the social and health services committees of the senate and house of representatives, and shall be subject to authorization and/or ratification by the legislative budget committee, and such agreements shall not bind the state unless and until such authorization and/or ratification is given: PROVIDED FURTHER, HOWEVER, That if the authorization and ratification is not given, the

department of social and health services shall administer the state supplemental program as established in RCW 74.04.620. [1973 2nd ex.s. c 10 § 4.]

74.04.640 ACCEPTANCE OF REFERRALS FOR VOCATIONAL REHABILITATION--REIMBURSEMENT. Referrals to the state department of social and health services for vocational rehabilitation made in accordance with section 1615 of Title XVI of the Social Security Act, as amended, shall be accepted by the state.

The department shall be reimbursed by the secretary of the department of health, education and welfare for the costs it incurs in providing such vocational rehabilitation services. [1973 2nd ex.s. c 10 § 5.]

74.04.650 INDIVIDUALS FAILING TO COMPLY WITH FEDERAL DRUG ABUSE AND ALCOHOLISM TREATMENT REQUIREMENTS--REAPPLICATION FOR STATE ASSISTANCE REQUIRED. Notwithstanding any other provisions of RCW 74.04.600 through 74.04.650 for those individuals who have been receiving supplemental security income assistance and failed to comply with federal requirements relating to drug abuse and alcoholism treatment and rehabilitation shall be required to reapply for state assistance programs to be eligible for state assistance. [1973 2nd ex.s. c 10 § 6.]

Chapter 74.08
ELIGIBILITY GENERALLY--STANDARDS OF ASSISTANCE--OLD AGE ASSISTANCE

74.08.047 GENERAL ASSISTANCE FOR PERSONS ATTENDING HIGH SCHOOL OR VOCATIONAL OR TECHNICAL INSTITUTION. The department shall provide general assistance to any person who meets the eligibility requirements of RCW 74.08.025 and who at the time of attaining the age of eighteen years is attending a state approved high school or vocational or technical training institution and is a recipient or beneficiary of "public assistance" as defined in RCW 74.04.005 (1): PROVIDED, That such general assistance shall continue so long as the person continually attends school on a full time basis in accordance with the requirements of the appropriate school authorities, through the end of the school year immediately following the person's eighteenth birthday: PROVIDED FURTHER, That the department of social and health services is authorized to extend this limitation for one additional year if in the opinion of the department such extension will result in the completion of a secondary education. [1973 1st ex.s. c 35 § 1.]

74.08.048 GRANTS TO BE ON UNIFORM STATE-WIDE BASIS. Grants shall be awarded on a uniform state-wide basis in accordance with standards of assistance established by the department for general assistance to unemployable persons. [1973 1st ex.s. c 35 § 2.]

74.08.370 OLD AGE ASSISTANCE GRANTS CHARGED AGAINST GENERAL FUND. All old age assistance grants under this title shall be a charge against and payable out of the general fund of the state. Payment thereof shall be by warrant drawn upon vouchers duly prepared and verified by the secretary of the department of social and health services or his official representative. [1973 c 106 § 33; 1959 c 26 § 74.08.370. Prior: 1935 c 182 § 24; RRS § 9998-24. FORMER PART OF SECTION: 1935 c 182 § 25; RRS § 9998-25, now codified as RCW 74.08.375.]

74.08.530 HOMEMAKER-HOME HEALTH, CHORE, AND PERSONAL AND HOUSEHOLD SERVICES--LEGISLATIVE FINDING. The legislature finds that it is desirable to provide certain services for certain citizens in order that such persons may remain in their own homes and maintain a closer contact with the community. Such a program will seek to prevent mental and psychological deterioration which our citizens might otherwise experience. [1973 1st ex.s. c 51 § 1.]

74.08.540 HOMEMAKER-HOME HEALTH, CHORE, AND PERSONAL AND HOUSEHOLD SERVICES--DEFINITIONS--PURPOSE--ELIGIBLE PERSONS. (1) The term "services" shall include homemaker-home health services, chore services and personal and household services.

(2) The goal of the homemaker-home health service within the department of social and health services shall be to maintain, strengthen, improve and safeguard home and family life by augmenting professional services in homes where there are social and/or health needs which interfere with the independent functioning of an individual or family.

The principal purpose of the homemaker-home health service shall be:

(a) To keep the family together while the natural homemaker is incapacitated, either in or out of the home; and to prevent family breakdown for any other reason, thus avoiding the shock of separating children from their parents, their brothers and sisters, their schools, their friends.

(b) To enable the elderly, the chronically ill, the mentally ill, retarded, or otherwise disabled individual to remain in or return to his own home among familiar surroundings whenever possible in accordance with RCW 74.08.283.

(c) To permit an individual to remain at home, or, to return home sooner than he otherwise could from an institution. This will allow for more appropriate utilization of hospitals, nursing homes, and other facilities. It will help offset the cost of expensive institutional care for the family, the individual and the community.

(d) To keep the employed adult on the job who otherwise must take unscheduled time off to care for children, an elderly parent, or an ill relative.

(e) To help individuals and families learn better management of daily living, including improved child-rearing practices and self-care.

(3) Housekeeping service shall mean service primarily concerned with the performance of household tasks and the physical care of small children where required. Housekeeping services do not include the assumption of parental duties normally associated with the direction and management of children.

Housekeeping service is an additional requirement when the normal caretaker of the children:

(a) Is in the home (except for a temporary period) and retains responsibility for direction and management of the children;

(b) Is in the home but is physically unable to perform the necessary household services and/or physical care of children without assistance; and

(c) Is not available and there is no person available to render the service without cost.

(4) Chore services includes the provision of household and personal care as needed to give attention and protection for the client's safety and well-being.

Chore services means services in performing light work, household tasks or personal care which eligible persons are unable to do for themselves because of frailty or other conditions. Chore services include, but are not limited to assisting in keeping client and home neat and clean, preparation of meals, help in shopping, lawn care, simple household repairs, running errands, wood chopping, and other tasks as required.

Eligible persons shall be recipients of old age assistance, aid to the blind, disability assistance, and general assistance to the unemployable who are potential disability assistance recipients, nonrecipients sixty-five years old or over released from a mental institution who are eligible for medical assistance under the state's Title XIX plan, and those potential recipients who would otherwise be eligible for public assistance if the cost of this service were an additional grant requirement. [1973 1st ex.s. c 51 § 2.]

74.08.550 HOMEMAKER-HOME HEALTH, CHORE, AND PERSONAL AND HOUSEHOLD SERVICES--DEPARTMENT TO DEVELOP PROGRAM. The department of social and health services is authorized to develop a program to provide for those services enumerated in RCW 74.08.540. [1973 1st ex.s. c 51 § 3.]

74.08.560 HOMEMAKER-HOME HEALTH, CHORE, AND PERSONAL AND HOUSEHOLD SERVICES--EMPLOYMENT OF PUBLIC ASSISTANCE RECIPIENTS. In developing the program set forth in RCW 74.08.550, the department shall, to the extent possible, and consistent with federal law, enlist the services of persons receiving grants under the provisions of chapter 74.08 RCW and chapter 74.12 RCW to carry out the services enumerated under RCW 74.08.540 herein. To this end, the department shall establish appropriate rules and regulations designed to determine eligibility for employment under this section, as well as regulations designed to notify persons receiving such grants of eligibility for such employment. The department shall further establish a system of compensation to persons employed under the provisions of this section which provides that any grants they receive under chapter 74.08 RCW or chapter 74.12 RCW shall be diminished by such percentage of the compensation received under this section as the department shall establish by rules and regulations. [1973 1st ex.s. c 51 § 4.]

Chapter 74.09 MEDICAL CARE

74.09.160 PRESENTMENT OF CHARGES BY CONTRACTORS--REVOLVING FUNDS. Each vendor or group who has a contract and is rendering service to eligible persons as defined in this chapter shall submit such charges as agreed upon between the department and the individual or group on a monthly basis and shall present their final charges not more than sixty days after the termination of service. If the final charges are not presented within the sixty day period they shall not be a charge against the state unless previous extension in writing has been given by the department. Said sixty day period may also be extended by regulation, but only if required by applicable federal law or regulation, and to no more than the extension of time so required.

The department is authorized to set up a medical prepayments revolving fund, or funds, to be used solely for the payment of medical care. Deposits into this fund or these funds shall be made from the appropriation for medical care. Such deposits shall be based upon a per capita amount per beneficiary, said amounts to be determined by the department from time to time. The department may set up such fund or funds to cover any one, several, or all items of the medical care costs of one,

several, or all public assistance programs as deemed most advantageous by the secretary for the best interests of the state: PROVIDED, That in the event such fund, or funds is, or are dissolved, the federal government shall be reimbursed for its proportionate share of contributions into such fund or funds. [1973 1st ex.s. c 48 § 1; 1959 c 26 § 74.09.160. Prior: 1955 c 273 § 17.]

Chapter 74.12

AID TO FAMILIES WITH DEPENDENT CHILDREN

74.12.010 DEFINITIONS. For the purposes of the administration of aid to families with dependent children assistance, the term "dependent child" means any child in need under the age of eighteen years who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of the parent, and who is with his father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, step-sister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his or their homes. The term a "dependent child" shall, notwithstanding the foregoing, also include a child who would meet such requirements except for his removal after April 30, 1961, from the home of a relative specified above as a result of a judicial determination that continuation therein would be contrary to the welfare of such child, for whose placement and care the state department of social and health services or the county office is responsible, and who has been placed in a licensed or approved child care institution or foster home as a result of such determination and who: (1) Was receiving an aid to families with dependent children grant for the month in which court proceedings leading to such determination were initiated; or (2) would have received aid to families with dependent children for such month if application had been made therefor; or (3) in the case of a child who had been living with a specified relative within six months prior to the month in which such proceedings were initiated, would have received aid to families with dependent children for such month if in such month he had been living with such a relative and application had been made therefor, as authorized by the Social Security Act: PROVIDED, That the director shall have discretion to provide that aid to families with dependent children assistance shall be available to any child in need who has been deprived of parental support or care by reason of the unemployment of a parent or stepparent liable under this chapter for the support of such child, to the extent that matching funds are available from the federal government.

"Aid to families with dependent children" means money payments, services, and remedial care with respect to a dependent child or dependent children and the needy parent or relative with whom the child lives and may include the spouse of such relative if living with him and if such relative is the child's parent and the child is a dependent child by reason of the physical or mental incapacity or unemployment of a parent or stepparent liable under this chapter for the support of such child. [1973 2nd ex.s. c 31 § 1; 1969 ex.s. c 173 § 13; 1965 ex.s. c 37 § 1; 1963 c 228 § 18; 1961 c 265 § 1; 1959 c 26 § 74.12.010. Prior: 1957 c 63 § 10; 1953 c 174 § 24; 1941 c 242 § 1; 1937 c 114 § 1; Rem. Supp. 1941 § 9992-101.]

74.12.340 DAY CARE. The department is authorized to promulgate rules and regulations governing the provision of day care as a part of child welfare services when the secretary determines that a need exists for such day care and that it is in the best interests of the child, the parents, or the custodial parent and in determining the need for such day care priority shall be given to geographical areas having the greatest need for such care and to members of low income groups in the population: PROVIDED, That where the family is financially able to pay part or all of the costs of such care, fees shall be imposed and paid according to the financial ability of the family. [1973 1st ex.s. c 154 § 111; 1963 c 228 § 30.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 74.13

CHILD WELFARE SERVICES

74.13.031 DUTIES OF DEPARTMENT--ESTABLISHMENT OF CHILD WELFARE AND DAY CARE ADVISORY COMMITTEE--DUTY OF JUVENILE COURT. The department shall have the duty to provide child welfare services as defined in RCW 74.13.020, and shall:

(1) Develop, administer, and supervise a plan that establishes, extends aid to, and strengthens services for the protection and care of homeless, dependent or neglected children, or children in danger of becoming delinquent.

(2) Investigate complaints of neglect, abuse, or abandonment of children by parents, guardians, custodians, or persons serving in loco parentis, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, guardians, custodians or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. If the investigation reveals that a crime may have been

committed, notify the appropriate law enforcement agency.

(3) Cooperate with other public and voluntary agencies and organizations in the development and coordination of programs and activities in behalf of children.

(4) Have authority to accept custody of children from parents, guardians, and/or juvenile courts, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and to make payment of maintenance costs if needed. A child in need of detention, whether alleged to be dependent or delinquent, shall, prior to findings and disposition by the court pursuant to RCW 13.04.095, be the responsibility of and provided for by the juvenile court.

(5) Have authority to purchase care for children and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(6) Establish a child welfare and day care advisory committee who shall act as an advisory committee to the state advisory committee and to the secretary in the development of policy on all matters pertaining to child welfare, day care, licensing of child care agencies, and services related thereto. [1973 1st ex.s. c 101 § 2; 1967 c 172 § 17.]

74.13.106 ADOPTION SUPPORT ACCOUNT--
CREATED--SOURCE--USE--PILOT PROJECT--FED-
ERAL FUNDS--GIFTS AND GRANTS. All fees paid for adoption services pursuant to RCW 26.32.115 and 74.13.100 through 74.13.145 during the 1971-1973 and 1973-1975 fiscal bienniums shall be credited to an adoption support account, hereby created, in the general fund. Expenses incurred in connection with supporting the adoption of hard to place children shall be paid by warrants drawn against such account. The secretary may also from time to time transfer to such account from appropriations available to him for care of children in foster homes and child-caring institutions such sums as in his judgment will enable him to carry out a pilot project to demonstrate the value of a program of adoption support. In carrying out such pilot project the secretary is authorized to use the funds made available to him pursuant to RCW 26.32.115 and 74.13.100 through 74.13.145, or, in his discretion, any portion thereof, to formulate, approve, implement or otherwise act pursuant to RCW 74.08.390, to develop and

set up a pilot adoption support project at such level as he deems appropriate, consistent with the purposes set forth in RCW 74.13.100. The secretary may develop and approve such a project whether formulated within or outside the department, and may for such purposes, contract with any public agency or licensed child placing agency and/or adoptive parent and is authorized to accept funds from other sources including federal, private and other public funding sources to carry out such project.

The secretary shall make a full report to the legislature during the 1973 and 1975 legislative sessions concerning such pilot project including an analysis by the secretary of any savings in foster care and institutional care for hard to place children realized and estimated to be realized in the future as a result of a program of adoption support of the kind provided for in RCW 26.32.115 and 74.13.100 through 74.13.145.

The secretary shall actively seek, where consistent with the policies and programs of the department, and shall make maximum use of, such federal funds as are or may be made available to the department for the purpose of supporting the adoption of hard to place children. The secretary may, if permitted by federal law, deposit federal funds for adoption support, aid to adoptions, or subsidized adoption in the adoption support account of the general fund and may use such funds, subject to such limitations as may be imposed by federal law, to carry out the program of adoption support authorized by RCW 26.32.115 and 74.13.100 through 74.13.145.

The secretary may also deposit in such account and disburse therefrom all gifts and grants from any nonfederal source, including public and private foundations, which may be used for the program of adoption support authorized by RCW 26.32.115 and 74.13.100 through 74.13.145. [1973 c 61 § 1; 1971 ex.s. c 63 § 3.]

74.13.142 TERMINATION OF DIRECTOR'S
AUTHORITY TO PROVIDE ADOPTION SUPPORT. The authority granted to the secretary in RCW 26.32.115 and 74.13.106 through 74.13.139 to provide adoption support to prospective parents who adopt hard to place children shall terminate on June 30, 1975 unless such authority is hereafter extended by law: PROVIDED, That payments shall be continued by the secretary subject to annual review as provided in RCW 26.32.115 and 74.13.106 through 74.13.139 for all hard to place children for whom adoption support agreements have been entered into by the secretary on or before June 30, 1975. [1973 c 61 § 2; 1971 ex.s. c 63 § 16.]

Chapter 74.15

AGENCIES—CHILDREN, EXPECTANT MOTHERS,
ADULT RETARDED—CARE, PLACEMENT

Cross References:

Adoption: Chapter 26.32 RCW.

Filiation proceedings: Chapter 26.24
RCW.

Infants: Chapter 26.28 RCW.

Chapter 74.20

SUPPORT OF DEPENDENT CHILDREN

74.20.040 DUTY OF DEPARTMENT TO ENFORCE CHILD SUPPORT—SUPPORT ENFORCEMENT SERVICES.

Whenever the department of social and health services receives an application for public assistance on behalf of a child and it shall appear to the satisfaction of the department that said child has been abandoned by its parents or that the child and one parent have been abandoned by the other parent or that the parent or other person who has a responsibility for the care, support, or maintenance of such child has failed or neglected to give proper care or support to such child, the department shall take appropriate action under the provisions of this chapter, the abandonment or nonsupport statutes, or other appropriate statutes of this state to insure that such parent or other person responsible shall pay for the care, support, or maintenance of said dependent child.

The secretary may accept applications for support enforcement services on behalf of persons who are not recipients of public assistance and may take action as he deems appropriate to establish or enforce support obligations against persons owing a duty to pay support. Action may be taken under the provisions of chapter 74.20 RCW, the abandonment or nonsupport statutes, or other appropriate statutes of this state, including but not limited to remedies established in chapter 74.20A RCW, to establish and enforce said support obligations. The secretary may establish by regulation, such reasonable standards as he deems necessary to limit applications for support enforcement services. Said standards shall take into account the income, property, or other resources already available to support said person for whom a support obligation exists.

The secretary may charge a fee to compensate the department for services rendered in establishment of or enforcement of support obligations. This fee shall be agreed on in writing with the custodian or guardian of the person for whom a support obligation is owed, or that person if no custodian or guardian exists and shall be limited to not more than ten percent of any support money collected as a result of action taken by the secretary. The secretary shall by regulation establish reasonable fees for support enforcement services and said schedule of fees shall be made

available to all applicants for support enforcement services. The secretary may, on showing of necessity, waive or defer any such fee. [1973 1st ex.s. c 183 § 1; 1971 ex.s. c 213 § 1; 1963 c 206 § 3; 1959 c 322 § 5.]

74.20.101 PAYMENT OF SUPPORT MONEYS COLLECTED TO SUPPORT ENFORCEMENT AND COLLECTIONS UNIT—NOTICE. Whenever, as a result of any action, support money is paid by the person or persons responsible for support, such payment shall be paid through the support enforcement and collections unit of the state department of social and health services upon written notice by the department to the responsible person or to the clerk of the court, if appropriate, that the children for whom a support obligation exists are receiving public assistance. [1973 1st ex.s. c 183 § 2; 1969 ex.s. c 173 § 16.]

74.20.220 POWERS OF DEPARTMENT THROUGH THE ATTORNEY GENERAL. In order to carry out its responsibilities imposed under this chapter, the state department of public assistance, through the attorney general, is hereby authorized to:

(1) Represent a dependent child or dependent children on whose behalf public assistance is being provided in obtaining any support order necessary to provide for his or their needs or to enforce any such order previously entered.

(2) Appear as a friend of the court in divorce and separate maintenance suits, or proceedings supplemental thereto, when either or both of the parties thereto are receiving public assistance, for the purpose of advising the court as to the financial interest of the state of Washington therein.

(3) Appear on behalf of the custodial parent of a dependent child or children on whose behalf public assistance is being provided, when so requested by such parent, for the purpose of assisting such parent in securing a modification of a divorce or separate maintenance decree wherein no support, or inadequate support, was given for such child or children: PROVIDED, That the attorney general shall be authorized to so appear only where it appears to the satisfaction of the court that the parent is without funds to employ private counsel. If the parent does not request such assistance, or refuses it when offered, the attorney general may nevertheless appear as a friend of the court at any supplemental proceeding, and may advise the court of such facts as will show the financial interest of the state of Washington therein; but the attorney general shall not otherwise participate in the proceeding.

(4) If public assistance has been applied for or granted on behalf of a child of parents who are divorced or legally separated, the attorney general may apply

to the superior court in such action for an order directing either parent or both to show cause:

(a) Why an order of support for the child should not be entered, or

(b) Why the amount of support previously ordered should not be increased, or

(c) Why the parent should not be held in contempt for his failure to comply with any order of support previously entered.

(5) Initiate any civil proceedings deemed necessary by the department to secure reimbursement from the parent or parents of minor dependent children for all moneys expended by the state in providing assistance or services to said children. [1973 1st ex.s. c 154 § 112; 1969 ex.s. c 173 § 15; 1963 c 206 § 7.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

74.20.230 PETITION FOR SUPPORT ORDER BY MARRIED PARENT WITH MINOR OR LEGALLY ADOPTED CHILDREN WHO ARE RECEIVING PUBLIC ASSISTANCE. Any married parent with minor children, natural or legally adopted children who is receiving public assistance may apply to the superior court of the county in which such parent resides or in which the spouse may be found for an order upon such spouse, if such spouse is the natural or adoptive mother or father of such children, to provide for such spouse's support and the support of such spouse's minor children by filing in such county a petition setting forth the facts and circumstances upon which such spouse relies for such order. If it appears to the satisfaction of the court that such parent is without funds to employ counsel, the state department of social and health services through the attorney general may file such petition on behalf of such parent. If satisfied that a just cause exists, the court shall direct that a citation issue to the other spouse requiring such spouse to appear at a time set by the court to show cause why an order of support should not be entered in the matter. [1973 1st ex.s. c 154 § 113; 1963 c 206 § 8.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

74.20.300 DEPARTMENT EXEMPT FROM FEES. No filing or recording fees, court fees, fees for making copies of documents or fees for service of process shall be required from the state department of social and health services by any county clerk, county auditor, sheriff or other county officer for the filing of any actions or documents authorized by this chapter, or for the service of any summons or other process in any action or proceeding authorized by this chapter. [1973 1st ex.s. c 183 § 3; 1963 c 206 § 15.]

Chapter 74.20A
SUPPORT OF DEPENDENT CHILDREN—ALTERNATIVE
METHOD—1971 ACT

74.20A.030 PAYMENT OF PUBLIC ASSISTANCE FOR CHILD CONSTITUTES DEBT TO DEPARTMENT BY NATURAL OR ADOPTIVE PARENTS—LIMITATIONS—DEPARTMENT SUBROGATED TO RIGHTS. Except as provided in this section and in *section 27 of this 1973 amendatory act, any payment of public assistance money made to or for the benefit of any dependent child or children creates a debt due and owing to the department by the natural or adoptive parent or parents who are responsible for support of such children in an amount equal to the amount of public assistance money so paid: PROVIDED, That where there has been a superior court order, the debt shall be limited to the amount provided for by said order. The department shall have the right to petition the appropriate superior court for modification of a superior court order on the same grounds as a party to said cause. Where a child has been placed in foster care, and a written agreement for payment of support has been entered into by the responsible parent or parents and the department, the debt shall be limited to the amount provided for in said agreement: PROVIDED, That if a court order for support is or has been entered, the provisions of said order shall prevail over the agreement. The department shall adopt rules and regulations, based on ability to pay, with respect to the level of support to be provided for in such agreements, or modifications of such agreements based on changed circumstances.

The department shall be subrogated to the right of said child or children or person having the care, custody, and control of said child or children to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys thus expended. If a superior court order enters judgment for an amount of support to be paid by an obligor parent, the department shall be subrogated to the debt created by such order, and said money judgment shall be deemed to be in favor of the department. This subrogation shall specifically be applicable to temporary spouse support orders, family maintenance orders and alimony orders up to the amount paid by the department in public assistance moneys to or for the benefit of a dependent child or children but allocated to the benefit of said children on the basis of providing necessities for the caretaker of said children.

Debt under this section shall not be incurred by nor at any time be collected from a parent or other person who is the recipient of public assistance moneys for the benefit of minor dependent children for the period such person or persons are

in such status. [1973 1st ex.s. c 183 § 4; 1971 ex.s. c 164 § 3.]

*Reviser's note: "section 27" referred to herein was vetoed and thus failed to become law.

74.20A.040 NOTICE OF SUPPORT DEBT BASED UPON SUBROGATION TO OR ASSIGNMENT OF JUDGMENT--SERVICE OR MAILING--CONTENTS--ACTION ON, WHEN. The secretary may issue a notice of a support debt accrued and/or accruing based upon subrogation to or assignment of the judgment created by a superior court order. Said notice may be served upon the debtor in the manner prescribed for the service of a summons in a civil action or be mailed to the debtor at his last known address by certified mail, return receipt requested, demanding payment within twenty days of the date of receipt. Said notice of debt shall include a statement of the support debt accrued and/or accruing, computable on the amount required to be paid under any superior court order to which the department is subrogated or has an assigned interest; a statement that the property of the debtor is subject to collection action; a statement that the property is subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver; and a statement that the net proceeds will be applied to the satisfaction of the support debt. Action to collect said subrogated or assigned support debt by lien and foreclosure, or distraint, seizure and sale, or order to withhold and deliver shall be lawful after twenty days from the date of service upon the debtor or twenty days from the receipt or refusal by the debtor of said notice of debt. [1973 1st ex.s. c 183 § 5; 1971 ex.s. c 164 § 4.]

74.20A.050 NOTICE OF SUPPORT DEBT BASED UPON PAYMENT OF PUBLIC ASSISTANCE--SERVICE--CONTENTS--COLLECTION WARRANT--FAIR HEARING--FILING AND SERVING OF LIENS--BOND TO RELEASE LIENS. In the absence of a superior court order the secretary may issue a notice of a support debt accrued and/or accruing based upon payment of public assistance to or for the benefit of any dependent child or children. Said notice of debt shall be served upon the debtor in the manner prescribed for the service of summons in a civil action, including summons by publication where appropriate and necessary. The notice of debt shall include a statement of the support debt accrued and/or accruing, computable on the basis of the amount of public assistance previously paid and to be paid in the future; a statement of the amount of the monthly public assistance payment; a statement of the name of the recipient and the name of the child or children for whom assistance is being paid; a demand for immediate payment of

the support debt or in the alternative, a demand that the debtor make answer within twenty days of the date of service to the secretary stating defenses to liability under RCW 74.20A.030; a statement that if no answer is made on or before twenty days from the date of the service, the support debt shall be assessed and determined subject to computation, and is subject to collection action; a statement that the property of the debtor will be subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver. If no answer is had by the secretary to the notice of debt on or before twenty days of the date of service, the support debt shall be assessed and determined subject to computation and the secretary shall issue a collection warrant authorizing collection action under this chapter. If the debtor, within twenty days of date of service of the notice of debt, makes answer to the secretary alleging defenses to liability under RCW 74.20A.030, said debtor shall have the right to a fair hearing pursuant to RCW 74.08.070 and 74.08.090. The decision of the department in the fair hearing shall establish the liability of the debtor, if any, for repayment of public assistance moneys expended to date as an assessed and determined support debt. Action by the secretary under the provisions of this chapter to collect said support debt shall be lawful from the date of issuance of the decision in the fair hearing. If the secretary reasonably believes that the debtor is not a resident of this state, or is about to move from this state, or has concealed himself, absconded, absented himself or has removed or is about to remove, secrete, waste, or otherwise dispose of property which could be made subject to collection action to satisfy the support debt, the secretary may file and serve liens pursuant to RCW 74.20A.060 and 74.20A.070 during pendency of the fair hearing or thereafter, whether or not appealed: PROVIDED, That no further action under RCW 74.20A.080, 74.20A.130 and 74.20A.140 may be taken on such liens until final determination after fair hearing and/or appeal. The secretary shall in such cases, make and file in the record of the fair hearing an affidavit stating the reasons upon which said belief is founded: PROVIDED, That the debtor may furnish a good and sufficient bond satisfactory to the secretary during pendency of the fair hearing, or thereafter, and in such case liens filed shall be released. If the decision of the fair hearing is in favor of the debtor, all liens filed shall be released. [1973 1st ex.s. c 183 § 6; 1971 ex.s. c 164 § 5.]

74.20A.055 NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY OF RESPONSIBLE PARTY--ALTERNATIVE PROCEDURE. As an alternative to the hearing and appeal procedures provided in RCW 74.20A.050, the

secretary may, in the absence of a superior court order, serve on the responsible parent a notice and finding of financial responsibility requiring a responsible parent to appear and show cause in a hearing held by the department why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future for such period of time as the child or children of said responsible parent are in need. Said hearing shall be held pursuant to *this 1973 amendatory act, chapter 34.04 RCW, and the rules and regulations of the department, which shall provide for a fair hearing.

The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action. Any responsible parent who objects to all or any part of the notice and finding shall have the right for not more than twenty days from the date of service to request in writing a hearing, which request shall be served upon the secretary or his designee by registered or certified mail or personally. If no such request is made, the notice and finding of responsibility shall become final. If a request is made, the execution of notice and finding of responsibility shall be stayed pending the decision on such hearing, or any direct appeal to the courts from that decision. Hearings may be held in the county of residence or other place convenient to the responsible parent. Any such hearing shall be a "contested case" as defined in RCW 34.04.010. The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and, as appropriate, the amount to be paid thereon each month, all computable on the basis of the amount of the monthly public assistance payment previously paid, or need alleged, and the ability of the responsible parent to pay all, or any portion of the amount so paid and/or being paid and/or to be paid. The notice and finding shall also include a statement of the name of the recipient or custodian and the name of the child or children for whom assistance is being paid or need is alleged; and/or a statement of the amount of periodic future support payments as to which financial responsibility is found.

The notice and finding shall include a statement that the responsible parent may object to all or any part of the notice and finding, request a hearing to show cause why said responsible parent should not be determined to be liable for any or all of the debt, past and future, determined, and the amount to be paid thereon.

The notice and finding shall also include a statement that if the responsible parent fails to request a hearing that the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt shall be subject to collection action; a statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver to satisfy the debt.

If a hearing is requested, it shall be promptly scheduled, in no more than thirty days. The hearing examiner shall determine the liability and responsibility, if any, of the alleged responsible parent under RCW 74.20A.030, and shall also determine the amount of periodic payments to be made to satisfy past, present or future liability under RCW 74.20A.030 and/or 26.16.205. In making these determinations, the hearing examiner shall include in his considerations (1) the necessities and requirements of the child or children, exclusive of any income of the custodian of said child or children, (2) the amount of support debt claimed, (3) the public policy and intent of the legislature to require that children be maintained from the resources of responsible parents thereby relieving to the greatest extent possible the burden borne by the general citizenry through welfare programs, and (4) the abilities and resources of the responsible parent.

If the responsible parent fails to appear at the hearing, upon a showing of valid service, the hearing examiner shall enter a decision and order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action. Within fifteen days of entry of said decision and order, the responsible parent may petition the department to vacate said decision and order upon a showing of any of the grounds enumerated in RCW 4.72.010.

The hearing examiner shall, within twenty days of the hearing, enter findings, conclusions and a final decision determining liability and responsibility and/or future periodic support payments. The determination of the hearing examiner entered pursuant to this section shall be entered as a decision and order and shall limit the support debt under RCW 74.20A.030 to the amounts stated in said decision: PROVIDED, That said decision establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the hearing order or decision: PROVIDED FURTHER, That in the absence of a superior court order either the responsible parent or the department may petition the secretary or his designee for issuance of an order to

appear and show cause based on a showing of good cause and material change of circumstances, to require the other party to appear and show cause why the decision previously entered should not be prospectively modified. Said order to appear and show cause together with a copy of the affidavit upon which the order is based shall be served in the manner of a summons in a civil action on the other party by the petitioning party. A hearing shall be set not less than fifteen nor more than thirty days from the date of service, unless extended for good cause shown. Prospective modification may be ordered, but only upon a showing of good cause and material change of circumstances.

The department, in its original determinations, and the hearing examiner in making determinations based on objections to original determinations or on petitions to modify, shall consider the standards promulgated pursuant to RCW 74.20.270 and any standards for determination of support payments used by the superior court of the county of residence of the responsible parent.

Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by the hearing examiner.

"Need" as used in this section shall mean the necessary costs of food, clothing, shelter and medical attendance for the support of a dependent child or children. [1973 1st ex.s. c 183 § 25.]

*Reviser's note: "this 1973 amendatory act" consists of the amendments to RCW 74.20.040, 74.20.101, 74.20.300, 74.20A-.030-74.20A.100, 74.20A.130-74.20A.150, and 74.20A.170-74.20A.250 by 1973 1st ex.s. c 183, and to RCW 74.20A.055 and 74.20A.260.

74.20A.060 ASSERTION OF LIEN--EFFECT. Twenty-one days after receipt or refusal of notice of debt under provisions of RCW 74.20A.040, or twenty-one days after service of notice of debt, or as otherwise appropriate under the provisions of RCW 74.20A.050, or as appropriate under the provisions of *section 27 of this 1973 amendatory act a lien may be asserted by the secretary upon the real or personal property of the debtor. The claim of the department for a support debt, not paid when due, shall be a lien against all property of the debtor with priority of a secured creditor. This lien shall be separate and apart from, and in addition to, any other lien created by, or provided for, in this title. The lien shall attach to all real and personal property of the debtor on the date of filing of such statement with the county auditor of the county in which such property is located. A lien against earnings shall attach and be effective subject to service requirements of RCW 74.20A.070 upon filing with

the county auditor of the county in which the employer does business or maintains an office or agent for the purpose of doing business.

Whenever a support lien has been filed and there is in the possession of any person, firm, corporation, association, political subdivision or department of the state having notice of said lien any property which may be subject to the support lien, such property shall not be paid over, released, sold, transferred, encumbered or conveyed, except as provided for by the exemptions contained in RCW 74.20A.090 and 74.20A.130, unless a written release or waiver signed by the secretary has been delivered to said person, firm, corporation, association, political subdivision or department of the state or unless a determination has been made in a fair hearing pursuant to RCW 74.20A.050 or by a superior court ordering release of said support lien on the basis that no debt exists or that the debt has been satisfied. [1973 1st ex.s. c 183 § 7; 1971 ex.s. c 164 § 6.]

*Reviser's note: "section 27" referred to herein was vetoed and thus failed to become law.

74.20A.070 SERVICE OF LIEN. The secretary may at any time after filing of a support lien serve a copy of said lien upon any person, firm, corporation, association, political subdivision or department of the state in possession of earnings, or deposits or balances held in any bank account of any nature which are due, owing, or belonging to said debtor. Said support lien shall be served upon the person, firm, corporation, association, political subdivision or department of the state either in the manner prescribed for the service of summons in a civil action or by certified mail, return receipt requested. No lien filed under RCW 74.20A-.060 shall have any effect against earnings or bank deposits or balances unless it states the amount of the support debt accrued and unless service upon said person, firm, corporation, association, political subdivision or department of the state in possession of earnings or bank accounts, deposits or balances is accomplished pursuant to this section. [1973 1st ex.s. c 183 § 8; 1971 ex.s. c 164 § 7.]

74.20A.080 ORDER TO WITHHOLD AND DELIVER--ISSUE AND SERVICE--CONTENTS--EFFECT--DELIVERY OF PROPERTY--BOND TO RELEASE. After service of a notice of debt as provided for in RCW 74.20A.040 stating a support debt accrued and/or accruing based upon subrogation to or assignment of the amount required to be paid under any superior court order or whenever a support lien has been filed pursuant to RCW 74.20A.060, the secretary

is hereby authorized to issue to any person, firm, corporation, association, political subdivision or department of the state, an order to withhold and deliver property of any kind including, but not restricted to, earnings which are due, owing, or belonging to the debtor, when the secretary has reason to believe that there is in the possession of such person, firm, corporation, association, political subdivision or department of the state property which is due, owing, or belonging to said debtor. The order to withhold and deliver which shall also be served upon the debtor, shall state the amount of the support debt accrued, and shall state in summary the terms of RCW 74.20A.090 and 74.20A.100. The order to withhold and deliver shall be served in the manner prescribed for the service of a summons in a civil action or by certified mail, return receipt requested. Any person, firm, corporation, association, political subdivision or department of the state upon whom service has been made is hereby required to answer said order to withhold and deliver within twenty days, exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of therein. In the event there is in the possession of any such person, firm, corporation, association, political subdivision or department of the state any property which may be subject to the claim of the department of social and health services, such property shall be withheld immediately upon receipt of the order to withhold and deliver and shall after the twenty day period, upon demand, be delivered forthwith to the secretary. The secretary shall hold said property in trust for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability. In the alternative, there may be furnished to the secretary a good and sufficient bond, satisfactory to the secretary, conditioned upon final determination of liability. Where money is due and owing under any contract of employment, express or implied, or is held by any person, firm, corporation, or association, political subdivision or department of the state subject to withdrawal by the debtor, such money shall be delivered by remittance payable to the order of the secretary. Delivery to the secretary of the money or other property held or claimed shall satisfy the requirement of the order to withhold and deliver. Delivery to the secretary shall serve as full acquittance and the state warrants and represents that it shall defend and hold harmless for such actions persons delivering money or property to the secretary pursuant to this chapter. The state also warrants and represents that it shall defend and hold harmless for such actions persons withholding money or property pursuant to this chapter. The foregoing is subject to the exemptions contained in RCW 74.20A.090 and

74.20A.130. [1973 1st ex.s. c 183 § 9; 1971 ex.s. c 164 § 8.]

74.20A.090 CERTAIN AMOUNT OF EARNINGS EXEMPT FROM LIEN OR ORDER--"EARNINGS" AND "DISPOSABLE EARNINGS" DEFINED. Whenever a support lien or order to withhold and deliver is served upon any person, firm, corporation, association, political subdivision or department of the state asserting a support debt against earnings and there is in the possession of such person, firm, corporation, association, political subdivision, or department of the state, any such earnings, RCW 7.33.280 shall not apply, but fifty percent of the disposable earnings shall be exempt and may be disbursed to the debtor whether such earnings are paid, or to be paid weekly, monthly, or at other regular intervals and whether there be due the debtor earnings for one week or for a longer period. The lien or order to withhold and deliver shall continue to operate and require said person, firm, corporation, association, political subdivision, or department of the state to withhold the nonexempt portion of earnings at each succeeding earnings disbursement interval until the entire amount of the support debt stated in the lien or order to withhold and deliver has been withheld. As used in this chapter, the term "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments by any department or division of the state based upon inability to work or obtain employment. Earnings shall specifically include all gain derived from capital, from labor, or from both combined, including profit gained through sale or conversion of capital assets. The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amount be required by law to be withheld. [1973 1st ex.s. c 183 § 10; 1971 ex.s. c 164 § 9.]

74.20A.100 CIVIL LIABILITY UPON FAILURE TO COMPLY WITH ORDER OR LIEN. Should any person, firm, corporation, association, political subdivision or department of the state fail to make answer to an order to withhold and deliver within the time prescribed herein; or fail or refuse to deliver property pursuant to said order; or after actual notice of filing of a support lien, pay over, release, sell, transfer, or convey real or personal property subject to a support lien to or for the benefit of the debtor or any other person; or fail or refuse to surrender upon demand property distrained under RCW 74.20A.130 or fail or refuse to honor an

assignment of wages presented by the secretary, said person, firm, corporation, association, political subdivision or department of the state shall be liable to the department in an amount equal to one hundred percent of the value of the debt which is the basis of the lien, order to withhold and deliver, distraint, or assignment of wages, together with costs, interest, and reasonable attorney fees. [1973 1st ex.s. c 183 § 11; 1971 ex.s. c 164 § 10.]

74.20A.130 DISTRAINT, SEIZURE AND SALE OF PROPERTY SUBJECT TO LIENS UNDER RCW 74.20A.060, PROCEDURE. Whenever a support lien has been filed pursuant to RCW 74.20A.060, the secretary may collect the support debt stated in said lien by the distraint, seizure, and sale of the property subject to said lien. The secretary shall give notice to the debtor and any person known to have or claim an interest therein of the general description of the property to be sold and the time and place of sale of said property. Said notice shall be given to such persons by certified mail, return receipt requested or by service in the manner prescribed for the service of a summons in a civil action. A notice specifying the property to be sold shall be posted in at least two public places in the county wherein the distraint has been made. The time of sale shall not be less than ten nor more than twenty days from the date of posting of such notices. Said sale shall be conducted by the secretary, who shall proceed to sell such property by parcel or by lot at a public auction, and who may set a minimum reasonable price to include the expenses of making a levy and of advertising the sale, and if the amount bid for such property at the sale is not equal to the price so fixed, the secretary may declare such property to be purchased by the department for such price, or may conduct another sale of such property pursuant to the provisions of this section. In the event of sale, the debtor's account shall be credited with the amount for which the property has been sold. Property acquired by the department as herein prescribed may be sold by the secretary at public or private sale, and the amount realized shall be placed in the state general fund to the credit of the department of social and health services. In all cases of sale, as aforesaid, the secretary shall issue a bill of sale or a deed to the purchaser and said bill of sale or deed shall be prima facie evidence of the right of the secretary to make such sale and conclusive evidence of the regularity of his proceeding in making the sale, and shall transfer to the purchaser all right, title, and interest of the debtor in said property. The proceeds of any such sale, except in those cases wherein the property has been acquired by the department, shall be first applied by the secretary to

reimbursement of the costs of distraint and sale, and thereafter in satisfaction of the delinquent account. Any excess which shall thereafter remain in the hands of the secretary shall be refunded to the debtor. Sums so refundable to a debtor may be subject to seizure or distraint by any taxing authority of the state or its political subdivisions or by the secretary for new sums due and owing subsequent to the subject proceeding. Except as specifically provided in this chapter, there shall be exempt from distraint, seizure, and sale under this chapter such property as is exempt therefrom under the laws of this state. [1973 1st ex.s. c 183 § 12; 1971 ex.s. c 164 § 13.]

74.20A.140 ACTION FOR FORECLOSURE OF SUPPORT LIEN--SATISFACTION. Whenever a support lien has been filed, an action in foreclosure of lien upon real or personal property may be brought in the superior court of the county where real or personal property is or was located and the lien was filed and judgment shall be rendered in favor of the department for the amount due, with costs, and the court shall allow, as part of the costs, the moneys paid for making and filing the claim of lien, and a reasonable attorney's fee, and the court shall order any property upon which any lien provided for by this chapter is established, to be sold by the sheriff of the proper county to satisfy the lien and costs. The payment of the lien debt, costs and reasonable attorney fees, at any time before sale, shall satisfy the judgment of foreclosure. Where the net proceeds of sale upon application to the debt claimed do not satisfy the debt in full, the department shall have judgment over for any deficiency remaining unsatisfied and further levy and sales upon other property of the judgment debtor may be made under the same execution. In all sales contemplated under this section, advertising of notice shall only be necessary for two weeks in a newspaper published in the county where said property is located, and if there be no newspaper therein, then in the most convenient newspaper having a circulation in such county. Remedies provided for herein are alternatives to remedies provided for in other sections of this chapter. [1973 1st ex.s. c 183 § 13; 1971 ex.s. c 164 § 14.]

74.20A.150 SATISFACTION OF LIEN AFTER FORECLOSURE PROCEEDINGS INSTITUTED--REDEMPTION. Any person owning real property, or any interest in real property, against which a support lien has been filed and foreclosure instituted, shall have the right to pay the amount due, together with expenses of the proceedings and reasonable attorney fees to the secretary and upon such payment the secretary shall restore said property to him and all

further proceedings in the said foreclosure action shall cease. Said person shall also have the right within two hundred forty days after sale of property foreclosed under RCW 74.20A.140 to redeem said property by making payment to the purchaser in the amount paid by the purchaser plus interest thereon at the rate of six percent per annum. [1973 1st ex.s. c 183 § 14; 1971 ex.s. c 164 § 15.]

74.20A.170 SECRETARY MAY RELEASE LIEN OR ORDER OR RETURN SEIZED PROPERTY—EFFECT. The secretary may at any time release a support lien, or order to withhold and deliver, on all or part of the property of the debtor, or return seized property without liability, if assurance of payment is deemed adequate by the secretary, or if said action will facilitate the collection of the debt, but said release or return shall not operate to prevent future action to collect from the same or other property. [1973 1st ex.s. c 183 § 15; 1971 ex.s. c 164 § 17.]

74.20A.180 SECRETARY MAY MAKE DEMAND, FILE AND SERVE LIENS, WHEN PAYMENTS APPEAR IN JEOPARDY. If the secretary finds that the collection of any support debt based upon subrogation to or assignment of the amount of support ordered by any superior court order is in jeopardy, he may make demand under RCW 74.20A.040 for immediate payment of the support debt, and upon failure or refusal immediately to pay said support debt, he may file and serve liens pursuant to RCW 74.20A.060 and 74.20A.070, without regard to the twenty day period provided for in RCW 74.20A.040: PROVIDED, That no further action under RCW 74.20A.080, 74.20A.130 and 74.20A.140 may be taken until the notice requirements of RCW 74.20A.040 are met. [1973 1st ex.s. c 183 § 16; 1971 ex.s. c 164 § 18.]

74.20A.190 INTEREST ON DEBTS DUE—WAIVER. Interest of six percent per annum on any support debt due and owing to the department under RCW 74.20A.030 may be collected by the secretary. No provision of this chapter shall be construed to require the secretary to maintain interest balance due accounts and said interest may be waived by the secretary, if said waiver would facilitate the collection of the debt. [1973 1st ex.s. c 183 § 17; 1971 ex.s. c 164 § 19.]

74.20A.200 JUDICIAL RELIEF—LIMITATIONS. Any person against whose property a support lien has been filed or an order to withhold and deliver has been served pursuant to this chapter may apply for relief to the superior court of the county wherein the property is located on the basis that no support debt is due and owing: PROVIDED, That judicial relief

shall not be granted except as provided for in RCW 74.08.080 whenever a fair hearing has been requested pursuant to RCW 74.20A.050. Liens filed during pendency of fair hearing or court review shall be reviewed pursuant to RCW 74.08.080. It is the intent of this chapter that jurisdictional and constitutional issues, if any, shall be subject to review, but that administrative remedies be exhausted prior to judicial review. [1973 1st ex.s. c 183 § 18; 1971 ex.s. c 164 § 20.]

74.20A.210 UNIDENTIFIABLE MONEYS HELD IN SPECIAL ACCOUNT. All moneys collected in fees, costs, attorney fees, interest payments, or other funds received by the secretary which are unidentifiable as to the support account against which they should be credited, shall be held in a special fund from which the secretary may make disbursement for any costs or expenses incurred in the administration or enforcement of the provisions of this chapter. [1973 1st ex.s. c 183 § 19; 1971 ex.s. c 164 § 21.]

74.20A.220 CHARGING OFF CHILD SUPPORT DEBTS AS UNCOLLECTIBLE. Any support debt due the department from a responsible parent which the secretary deems uncollectible may be transferred from accounts receivable to a suspense account and cease to be accounted as an asset: PROVIDED, That at any time after six years from the date a support debt was incurred, the secretary may charge off as uncollectible any support debt upon which the secretary finds there is no available, practical, or lawful means by which said debt may be collected: PROVIDED FURTHER, That no proceedings or action under the provisions of this chapter may be begun after expiration of said six year period to institute collection of a support debt. Nothing herein shall be construed to render invalid or nonactionable a support lien filed prior to the expiration of said six year period or an assignment of earnings or order to withhold and deliver executed prior to the expiration of said six year period. [1973 1st ex.s. c 183 § 20; 1971 ex.s. c 164 § 22.]

74.20A.230 EMPLOYEE DEBTOR RIGHTS PROTECTED—LIMITATION. No employer shall discharge an employee for reason that an assignment of earnings has been presented in settlement of a support debt or that a support lien or order to withhold and deliver has been served against said employee's earnings: PROVIDED, That this provision shall not apply if more than three support liens or orders to withhold and deliver are served upon the same employer within any period of twelve consecutive months. [1973 1st ex.s. c 183 § 21; 1971 ex.s. c 164 § 23.]

74.20A.240 ASSIGNMENT OF EARNINGS TO BE HONORED—EFFECT. Any person, firm, corporation, association, political subdivision or department of the state employing a person owing a support debt or obligation, shall honor, according to its terms, a duly executed assignment of earnings presented by the secretary as a plan to satisfy or retire a support debt or obligation. This requirement to honor the assignment of earnings and the assignment of earnings itself shall be applicable whether said earnings are to be paid presently or in the future and shall continue in force and effect until released in writing by the secretary. Payment of moneys pursuant to an assignment of earnings presented by the secretary shall serve as full acquittance under any contract of employment, and the state warrants and represents it shall defend and hold harmless such action taken pursuant to said assignment of earnings. The secretary shall be released from liability for improper receipt of moneys under an assignment of earnings upon return of any moneys so received. [1973 1st ex.s. c 183 § 22; 1971 ex.s. c 164 § 24.]

74.20A.250 RECEIPT OF PUBLIC ASSISTANCE FOR A CHILD AS ASSIGNMENT OF RIGHTS IN SUPPORT OBLIGATION—SECRETARY AS ATTORNEY FOR ENDORSING DRAFTS. By accepting public assistance for or on behalf of a child or children, the recipient shall be deemed to have made assignment to the department of any and all right, title, and interest in any support obligation owed to or for said child or children up to the amount of public assistance money paid for or on behalf of said child or children for such term of time as such public assistance moneys are paid. The recipient shall also be deemed, without the necessity of signing any document, to have appointed the secretary as his or her true and lawful attorney in fact to act in his or her name, place, and stead to perform the specific act of endorsing any and all drafts, checks, money orders or other negotiable instruments representing support payments which are received on behalf of said child or children as reimbursement for the public assistance moneys previously paid to said recipient. [1973 1st ex.s. c 183 § 23; 1971 ex.s. c 164 § 25.]

74.20A.260 INDUSTRIAL INSURANCE DISABILITY COMPENSATION PAYMENTS SUBJECT TO LIEN AND ORDER TO WITHHOLD AND DELIVER. One hundred percent of the temporary total disability payments and permanent total disability compensation to a workman allocated by RCW 51.32.090 and 51.32.060 respectively to the spouse and children of a workman, and forty percent of the net proceeds of payments to a workman for permanent partial disability under RCW 51.32.080 shall not be classified as

"earnings" but shall be subject to lien or order to withhold and deliver and said lien or order to withhold and deliver shall continue to operate and require any political subdivision or department of the state to withhold the above stated portions at each subsequent disbursement or receipt interval until the entire amount of the support debt stated in the lien or order to withhold and deliver has been withheld. [1973 1st ex.s. c 183 § 24.]

TITLE 75
FOOD FISH AND SHELLFISH

Sections added, amended, or repealed:

Chapter 75.08 Administration and Enforcement.

- 75.08.090 Rules and regulations—Adoption, promulgation.
- 75.08.240 Payment of appropriations and claims—Remittances and statements by director.
- 75.08.250 Auditing of expenses—Preparing vouchers.

Chapter 75.12 Taking of Food Fish, Shellfish.

- 75.12.010 Commercial fishing for salmon in certain waters unlawful—Odd years.

Chapter 75.28 Licenses.

- 75.28.390 Commercial herring fishing—Legislative finding.
- 75.28.400 Commercial herring fishing—Additional finding—Purpose.
- 75.28.410 Commercial herring fishing—Validation of licenses required.
- 75.28.420 Commercial herring fishing—Validated licenses—Limitation—Required—Additional licenses.
- 75.28.430 Commercial herring fishing—Elimination of units as alternative measure.

Chapter 75.32 Privilege and Catch Fees on Food Fish and Shellfish.

- 75.32.070 Catch fees required—Exception—Privilege, catch, fees when Oregon fees already paid.

Chapter 75.08
ADMINISTRATION AND ENFORCEMENT

75.08.090 RULES AND REGULATIONS—ADOPTION, PROMULGATION. All rules and regulations of the director, acting director or such person designated by the director, and all amendments to, or modifications or

revocations of existing rules and regulations shall be made and adopted by the director and shall be promulgated in accordance with the provisions of chapter 34.04 RCW. [1973 c 93 § 1; 1955 c 12 § 75.08.090. Prior: 1949 c 112 § 6, part; Rem. Supp. 1949 § 5780-205, part.]

75.08.240 PAYMENT OF APPROPRIATIONS AND CLAIMS—REMITTANCES AND STATEMENTS BY DIRECTOR. All appropriations for the department, and the fisheries division of the state treasurer and all claims against those departments, shall be paid from the general fund.

The director shall make weekly remittances to the state treasurer of all moneys collected by him from any source whatever, together with a statement showing from whence the moneys are derived. [1973 c 95 § 4; 1955 c 12 § 75.08.240. Prior: 1949 c 112 § 26; Rem. Supp. 1949 § 5780-224.]

75.08.250 AUDITING OF EXPENSES—PREPARING VOUCHERS. All expenses incurred under the provisions of this title shall be audited by the state auditor, upon bills presented, properly certified by the director, or his duly authorized assistant and vouchers shall be prepared by the department and forwarded to the state treasurer for payment. [1973 c 106 § 34; 1955 c 12 § 75.08.250. Prior: 1949 c 112 § 27; Rem. Supp. 1949 § 5780-225.]

Chapter 75.12
TAKING OF FOOD FISH, SHELLFISH

75.12.010 COMMERCIAL FISHING FOR SALMON IN CERTAIN WATERS UNLAWFUL—ODD YEARS. It shall be unlawful to fish for, catch, or take any species of salmon for commercial purposes, except as hereinafter provided, within the waters of the Straits of Juan de Fuca, Puget Sound and waters connected therewith within the state of Washington described as lying to the southerly, easterly and southeasterly of a line described as follows:

Commencing at a concrete monument on Angeles Point in Clallam county, state of Washington, near the mouth of the Elwha River on which is inscribed "Angeles Point Monument" in the latitude 48° 9'3" [north, longitude 123° 33'01" west of Greenwich Meridian; thence running east on a line 81°] 30' true from said point across the flashlight and bell buoy off Partridge Point and thence continued to where said line intersects longitude 122° 40' west; thence north on said line to where said line intersects the southerly shore of Sinclair Island at high tide; thence along the southerly shore of said island to the most easterly point thereof; thence north 46° east true to the line of high tide at Carter Point, the most southerly point of

Lummi Island; thence northwesterly along the westerly shore line at high tide of said Lummi Island to where said shore line at high tide intersects line of longitude 122° 40' west; thence north on said line to where said line intersects the mainland at the line of high tide; including within said area the southerly portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and all inlets, passages, waters, waterways, and the tributaries thereof: PROVIDED, That, subject to such seasons and regulations as may be established from time to time by the director, it shall be lawful to fish for commercial purposes within the above described waters with any lawful gear for sockeye salmon during the period extending from the tenth day of June to the twenty-fifth day of the following July and for other legal salmon from the second Monday of September to and including the thirtieth day of the following November, except during the hours beginning 4:00 o'clock p.m. of Friday and ending at 4:00 o'clock p.m. of the Sunday following: AND PROVIDED, That it shall be lawful to fish for salmon for commercial purposes with gill net gear subject to such regulations and to such shorter seasons as the director may establish from time to time prior to the second Monday in September within the waters of Hale Passage, Bellingham Bay, Samish Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, and Similk Bay, to wit: Those waters northerly and easterly of a line commencing at Stanwood, thence along the south shore of Skagit Bay to Rocky Point on Camano Island; thence northerly to Polnell Point on Whidbey Island.

AND PROVIDED, That whenever the director determines that a stock or run of salmon cannot be feasibly and properly harvested in the usual manner, and that such stock or run of salmon may be in danger of being wasted and surplus to natural or artificial spawning requirements, the director may maneuver units of lawful gill net and purse seine gear in any number or equivalents at his discretion, by time and area, to fully utilize such harvestable portions of these salmon runs for the economic well being of the citizens of this state, except that gill net and purse seine gear other than emergency and test gear authorized by the fisheries department shall not be used in Lake Washington.

AND PROVIDED, That subject to such regulations and to such shorter seasons as the director may establish from time to time, it shall be lawful to fish for pink salmon for commercial purposes with any lawful gear in each odd year during the period running from the first day of August to the first day of September, both dates inclusive, in the waters lying inside of the following described line: A line

commencing at a red wooden monument located on the most easterly point of Dungeness Spit and thence projected to a similar monument located at Point Partridge on Whidbey Island and a line commencing at a red wooden monument located on Olele Point and thence projected easterly to a similar monument located at Bush Point on Whidbey Island. [1973 1st ex.s. c 220 § 2; 1971 ex.s. c 283 § 13; 1955 c 12 § 75.12.010. Prior: 1949 c 112 § 28; Rem. Supp. 1949 § 578C-301.]

Legislative declaration: "The preservation of the fishing industry and food fish and shellfish resources of the state of Washington is vital to the state's economy, and effective measures and remedies are necessary to prevent the depletion of these resources." [1973 1st ex.s. c 220 § 1.]

Chapter 75.28 LICENSES

75.28.390 COMMERCIAL HERRING FISHING—LEGISLATIVE FINDING. The legislature finds that a significant commercial herring fishing industry is presently developing in the state of Washington under the careful guidance of the department of fisheries. The legislature further finds that the stocks of herring within the waters of this state are limited in extent and are in need of strict preservation. [1973 1st ex.s. c 173 § 1.]

75.28.400 COMMERCIAL HERRING FISHING—ADDITIONAL FINDING—PURPOSE. In addition, the legislature finds that the number of commercial fishermen engaged in fishing for herring has steadily increased. This factor, combined with advances made in fishing and marketing techniques, has resulted in strong pressures on the supply of herring, unnecessary waste in one of Washington's valuable resources, and economic loss to the citizens of this state. Therefore, it is the purpose of RCW 75.28.390 through 75.28.430 to establish reasonable procedures for controlling the extent of commercial herring fishing. [1973 1st ex.s. c 173 § 2.]

75.28.410 COMMERCIAL HERRING FISHING—VALIDATION OF LICENSES REQUIRED. After April 25, 1973, only those persons who have obtained a validated license to fish for herring issued by the department of fisheries of the state of Washington shall engage in the commercial taking or catching of herring. Licenses issued under this section shall be valid for one year, from January 1 through December 31. Any food fish license as stipulated in chapter 75.28 RCW intended for use in fishing for herring in the Puget Sound district must be validated for these species by the

department of fisheries after proving compliance with the provisions of RCW 75.28.420. [1973 1st ex.s. c 173 § 3.]

75.28.420 COMMERCIAL HERRING FISHING—VALIDATED LICENSES—LIMITATION—REQUIRED—ADDITIONAL LICENSES. For the 1973 season and subsequent seasons, the department shall limit the number of licenses validated under RCW 75.28.410 to those individuals who held valid commercial fishing licenses and can prove that they landed herring as documented by a Washington department of fisheries landing ticket for that type of fishing gear during the period January 1, 1971, through April 1, 1973. The validated herring license shall be required for commercial herring fishing in Puget Sound as set forth in the Washington Administrative Code under section 220-16-210. Additional licenses may be granted after the 1976 season by the department only upon a showing that the stocks of herring will not be jeopardized by the granting of such additional licenses. [1973 1st ex.s. c 173 § 4.]

75.28.430 COMMERCIAL HERRING FISHING—ELIMINATION OF UNITS AS ALTERNATIVE MEASURE. If subsequent court action requires that additional validated licenses must be permitted for the 1973 season and if such increases in a particular gear result in placing an excessive strain on herring stocks, the department shall reduce the number of validated licenses for such gear by eliminating units with the shortest history of landings as established and documented by Washington department of fisheries' landing tickets for the herring fishery. If two or more units have a similar history of landings, then such reduction for those vessels shall be by lot. [1973 1st ex.s. c 173 § 5.]

Chapter 75.32 PRIVILEGE AND CATCH FEES ON FOOD FISH AND SHELLFISH

75.32.070 CATCH FEES REQUIRED—EXCEPTION—PRIVILEGE, CATCH, FEES WHEN OREGON FEES ALREADY PAID. A catch fee shall be paid by every person taking food fish or shellfish, or parts thereof, from the waters or beaches of this state for commercial purposes, and the fee shall be equal to two percent of the primary market value of all fresh or frozen chinook and silver salmon so taken, and one percent of the primary market value of all other species of food fish and shellfish, or parts thereof: PROVIDED, That catch taxes shall not be paid by those taking shellfish from licensed oyster or clam farms or by those taking food fish or shellfish, or parts thereof, from fish farms licensed pursuant to RCW 75.16.110: PROVIDED FURTHER, That it is not the intent of the

state of Washington to collect privilege fees or catch fees on fish and shellfish previously landed from the Columbia River district in Oregon, on which privilege fees have already been paid, and which are transshipped to this state. An official certification of payment of Oregon privilege fees must be furnished the Washington department of fisheries in these instances. [1973 1st ex.s. c 63 § 1; 1963 ex.s. c 10 § 2; 1955 c 12 § 75.32.070. Prior: 1951 c 271 § 35; 1949 c 107 § 1 (5), part; Rem. Supp. 1949 § 5780-60 (5), part.]

TITLE 76
FORESTS AND FOREST PRODUCTS

Sections added, amended, or repealed:

Chapter 76.04 Forest Protection.

- 76.04.251 Steam, internal combustion or electric engines and other spark emitting equipment regulated.
- 76.04.253 Location of fire equipment.
- 76.04.254 Substitution of fire tools.
- 76.04.255 Reduction of requirements.
- 76.04.256 Water requirements.
- 76.04.257 Equipment to be kept in serviceable condition—Tool box requirements.
- 76.04.260 Locomotives, steam logging engines or boilers—Speeder patrols.
- 76.04.270 Penalty for violations—Work stoppage notice.
- 76.04.320 Spark emitting, electric engines—Watchman—Removal of snags.
- 76.04.360 Fire patrol assessments—Lien—Supervisor's bond.
- 76.04.385 Reimbursement for costs of suppression action.
- 76.04.515 Landowner contingency forest fire suppression account.

Chapter 76.12 Reforestation.

- 76.12.050 Exchange of lands to consolidate, block up holdings or obtain lands having commercial recreational leasing potential.

Chapter 76.42 Wood Debris—Removal From Navigable Waters.

- 76.42.010 Removal of debris authorized—Enforcement of chapter—Department of natural resources.
- 76.42.020 Definitions.
- 76.42.030 Removal of wood debris—Authorized.
- 76.42.040 Debris removal account—Created—Disbursements authorized.
- 76.42.050 Debris removal account—Transfer of funds from log patrol revolving fund, authorized.

- 76.42.060 Navigable waters—Unlawful to deposit wood debris into—Exception.
- 76.42.070 Rules and regulations—Administration of chapter—Authority to adopt and enforce.

Chapter 76.04
FOREST PROTECTION

76.04.251 STEAM, INTERNAL COMBUSTION OR ELECTRIC ENGINES AND OTHER SPARK EMITTING EQUIPMENT REGULATED. It shall be unlawful for anyone to operate during the closed season as defined in RCW 76.04.252, any steam, internal combustion, or electric engines, or any other spark emitting equipment or devices on any forest land or in any place where, in the opinion of the department, within reason, fire could be communicated to forest land, without first complying with the requirements as may be established by the department by rule or regulation pursuant to *this 1973 amendatory act.

The department of natural resources is authorized to promulgate rules and regulations relating to forest fire prevention and suppression preparedness, including the type, number, location and condition of fire equipment; the provision of water or other fire suppression agent, spark arresters, watchmen and/or patrols; the felling of snags; the clearing of flammable material from proximity to ignition sources; and the curtailment of operations during periods of critical fire danger. The department may further provide for reasonable reductions of requirements so promulgated where operating conditions including, but not limited to, location or weather, would justify the same. [1973 1st ex.s. c 24 § 1; 1971 ex.s. c 134 § 1; 1965 ex.s. c 12 § 2.]

*Reviser's note: "this 1973 amendatory act" consists of amendments to RCW 76.04-.251, 76.04.270, 76.04.385 and 76.04.515 and to the repeal of RCW 76.04.253-76.04-.260 and 76.04.320 by 1973 1st ex.s. c 24.

76.04.253 LOCATION OF FIRE EQUIPMENT. [1965 ex.s. c 12 § 4.] Repealed by 1973 1st ex.s. c 24 § 5.

76.04.254 SUBSTITUTION OF FIRE TOOLS. [1965 ex.s. c 12 § 5.] Repealed by 1973 1st ex.s. c 24 § 5.

76.04.255 REDUCTION OF REQUIREMENTS. [1965 ex.s. c 12 § 6.] Repealed by 1973 1st ex.s. c 24 § 5.

76.04.256 WATER REQUIREMENTS. [1965 ex.s. c 12 § 7.] Repealed by 1973 1st ex.s. c 24 § 5.

76.04.257 EQUIPMENT TO BE KEPT IN SERVICEABLE CONDITION—TOOL BOX REQUIREMENTS. [1965 ex.s. c 12 § 8.] Repealed by 1973 1st ex.s. c 24 § 5.

76.04.260 LOCOMOTIVES, STEAM LOGGING ENGINES OR BOILERS—SPEEDER PATROLS. [1965 ex.s. c 12 § 9; 1955 c 142 § 11. Prior: 1953 c 24 § 7; 1951 c 58 § 5; 1941 c 63 § 1, part; 1937 c 152 § 1, part; 1923 c 184 § 6, part; 1911 c 125 § 14, part; 1905 c 164 § 10, part; Rem. Supp. 1941 § 5794, part.] Repealed by 1973 1st ex.s. c 24 § 5.

76.04.270 PENALTY FOR VIOLATIONS—WORK STOPPAGE NOTICE. Every person upon receipt of written notice issued by the department that such person has or is violating any of the provisions of RCW 76.04.240, 76.04.245, 76.04.251, and 76.04.310, as amended, and/or any rule or regulation issued by the department concerning fire prevention and fire suppression preparedness shall cease such operations until the provisions of the sections or regulation specified in such notice have been complied with. The department may specify in the notice of violation the special conditions and precautions under which the operation would be allowed to continue until the end of that working day. Any person violating the statutory provisions above referenced, and as amended, or the rules or regulations issued by the department, or the written notice provided for herein, shall upon conviction be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars. [1973 1st ex.s. c 24 § 2; 1965 ex.s. c 12 § 10; 1959 c 151 § 2; 1955 c 142 § 12. Prior: 1953 c 24 § 5; 1951 c 58 § 6; 1941 c 63 § 1, part; 1937 c 152 § 1, part; 1923 c 184 § 6, part; 1911 c 125 § 14, part; 1905 c 164 §§ 6, 10, part; Rem. Supp. 1941 § 5794, part.]

76.04.320 SPARK EMITTING, ELECTRIC ENGINES—WATCHMAN—REMOVAL OF SNAGS. [1959 c 151 § 4; 1955 c 142 § 13; 1951 c 58 § 7; 1923 c 184 § 8; 1911 c 125 § 17; RRS § 5797. Prior: 1905 c 164 § 10; 1903 c 114 § 11.] Repealed by 1973 1st ex.s. c 24 § 5.

76.04.360 FIRE PATROL ASSESSMENTS—LIEN—SUPERVISOR'S BOND (AS AMENDED BY 1973 1ST EX.S. C 182 § 1). If any owner of forest land neglects or fails to provide adequate fire protection therefor as required by RCW 76.04.350, the department shall provide such protection therefor, notwithstanding the provisions of RCW 76.04.520, at a cost to the owner of not to exceed nine cents an acre per year on lands west of the summit of the Cascade mountains and seven cents an acre per year

on lands east of the summit of the Cascade mountains: PROVIDED, That for the calendar years 1973 and 1974 the cost to the owner for such protection shall be eighteen cents an acre per year on lands west of the summit of the Cascade mountains and fourteen cents an acre per year on lands east of the summit of the Cascade mountains. During said calendar years the legislative committees on natural resources shall study the costs of forest fire protection to determine the ratio of financial support to be borne by the state to that of the forest land owner.

The findings of the legislative committees on natural resources shall be considered when establishing the forest patrol assessment for the ensuing biennium.

For the purpose of this act, the supervisor may divide the forest lands of the state, or any part thereof, into districts, for patrol and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the proper district. Such cost must be justified by a showing of budgets on demand of twenty-five owners of forest land in the county concerned at public hearing. Any amounts paid or contracted to be paid by the supervisor of natural resources for this purpose from any funds at his disposal shall be a lien upon the property patrolled and protected, and unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred, on which date the supervisor of natural resources shall be prepared to make statement thereof upon request to any forest owner whose own protection has not been previously approved by him as adequate, shall be reported by the supervisor of natural resources to the assessor of the county in which the property is situated who shall extend the amounts upon the tax rolls covering the property, or the county assessor may upon authorization from the supervisor of natural resources levy the forest patrol assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records and the assessor may then segregate on his records to provide that the improved land and improvements thereon carry the millage levy designed to support the rural fire protection districts as provided for in chapter 52.04 RCW.

The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that the next general state and county taxes on the same property are collected, except that errors in assessments may be corrected at any time by the supervisor of natural resources certifying them to the treasurer of the county in which the land involved is situated. Upon the collection of such assessments the county treasurer shall transmit them to the supervisor of natural resources to be

applied against expenses incurred in carrying out the provisions of this section.

The supervisor of natural resources shall include in the assessment a sum not to exceed one-half of one cent per acre, to cover the necessary and reasonable cost of office and clerical work incurred in the enforcement of these provisions. He may also expend any sums collected from owners of forest lands or received from any other source for necessary office and clerical expense in connection with the enforcement of RCW 76.04.370.

When land against which fire patrol assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment, and the county treasurer in case the proceeds of sale exceed the amount of the delinquent tax judgment shall forthwith remit to the supervisor of natural resources the amount of the outstanding patrol assessments.

The supervisor of natural resources shall furnish a good and sufficient surety company bond running to the state, in a sum as great as the probable amount of money annually coming into his hands under the provisions of this chapter, conditioned for the faithful performance of his duties and for a faithful accounting for all sums received and expended thereunder, which bond shall be approved by the attorney general. [1973 1st ex.s. c 182 § 1; 1971 ex.s. c 207 § 14; 1959 c 123 § 1; 1955 c 142 § 14; 1951 c 58 § 8; 1925 ex.s. c 43 § 6; 1923 c 184 § 10; 1921 c 64 § 1; 1917 c 105 § 2; RRS § 5805.]

Reviser's note: RCW 76.04.360 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

76.04.360 FIRE PATROL ASSESSMENTS-- LIEN--SUPERVISOR'S BOND (AS AMENDED BY 1973 1ST EX.S. C 195 § 87). If any owner of forest land neglects or fails to provide adequate fire protection therefor as required by RCW 76.04.350, the department shall provide such protection therefor, notwithstanding the provisions of RCW 76.04.520, at a cost to the owner of not to exceed eighteen cents an acre per year on lands west of the summit of the Cascade mountains and fourteen cents an acre per year on lands east of the summit of the Cascade mountains.

For the purpose of this act, the supervisor may divide the forest lands of the state, or any part thereof, into districts, for patrol and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the

proper district. Such cost must be justified by a showing of budgets on demand of twenty-five owners of forest land in the county concerned at public hearing. Any amounts paid or contracted to be paid by the supervisor of natural resources for this purpose from any funds at his disposal shall be a lien upon the property patrolled and protected, and unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred, on which date the supervisor of natural resources shall be prepared to make statement thereof upon request to any forest owner whose own protection has not been previously approved by him as adequate, shall be reported by the supervisor of natural resources to the assessor of the county in which the property is situated who shall extend the amounts upon the tax rolls covering the property, or the county assessor may upon authorization from the supervisor of natural resources levy the forest patrol assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records and the assessor may then segregate on his records to provide that the improved land and improvements thereon carry the dollar rate levy designed to support the rural fire protection districts as provided for in chapter 52.04 RCW.

The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that the next general state and county taxes on the same property are collected, except that errors in assessments may be corrected at any time by the supervisor of natural resources certifying them to the treasurer of the county in which the land involved is situated. Upon the collection of such assessments the county treasurer shall transmit them to the supervisor of natural resources to be applied against expenses incurred in carrying out the provisions of this section.

The supervisor of natural resources shall include in the assessment a sum not to exceed one-half of one cent per acre, to cover the necessary and reasonable cost of office and clerical work incurred in the enforcement of these provisions. He may also expend any sums collected from owners of forest lands or received from any other source for necessary office and clerical expense in connection with the enforcement of RCW 76.04.370.

When land against which fire patrol assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment, and the county treasurer in case the proceeds of sale exceed the amount of the delinquent tax judgment shall forthwith remit to the supervisor of natural resources the amount of the outstanding patrol assessments.

The supervisor of natural resources shall furnish a good and sufficient surety company bond running to the state, in a sum as great as the probable amount of money annually coming into his hands under the provisions of this chapter, conditioned for the faithful performance of his duties and for a faithful accounting for all sums received and expended thereunder, which bond shall be approved by the attorney general. [1973 1st ex.s. c 195 § 87; 1971 ex.s. c 207 § 14; 1959 c 123 § 1; 1955 c 142 § 14; 1951 c 58 § 8; 1925 ex.s. c 43 § 6; 1923 c 184 § 10; 1921 c 64 § 1; 1917 c 105 § 2; RRS § 5805.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Reviser's note: RCW 76.04.360 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

76.04.385 REIMBURSEMENT FOR COSTS OF SUPPRESSION ACTION. Any person, firm, or corporation, public or private, obligated to take suppression action on any forest fire shall, under the provisions of this section, be entitled to reimbursement for reasonable costs incurred thereby, subject to the following:

(1) If the fire is started in the course of or as a result of a land clearing, right of way clearing, or landowner's operation, the person, firm, or corporation conducting such operation shall supply at his expense the manpower and equipment under his control and reasonably available until midnight on the day on which the fire started, after which time he shall supply, at his expense, only the manpower and equipment which were within a one-half mile radius of the point of origin of such fire, but in any case never less than five men and one suitable bulldozer, or other equipment accepted by the department as equivalent, unless, in the opinion of the department, less is needed for the purpose of suppressing the same. If he has no men or equipment within the said one-half mile he shall pay to the department the equivalent of the minimum requirement. If after midnight of the day on which the fire started, additional manpower and equipment are necessary, in the opinion of the department, he shall supply the manpower and equipment under his control outside such one-half mile radius, if reasonably available, but he shall be reimbursed for such manpower and equipment as provided herein;

(2) Where a fire, which occurred in the course of or as a result of a land clearing, right of way clearing, or landowner's operation, and which fire had previously been suppressed, rekindles, the

operator shall be required to supply at his expense the same manpower and equipment which were required of him at the time of the original fire.

(3) Claims for reimbursement shall be submitted within a reasonable time to the department which shall, upon verifying the amounts therein and the necessity therefor, authorize payment at such rates as established by the department for wages and equipment rental;

(4) No reimbursement provided herein shall be allowed to a person, firm, or corporation negligently responsible for the starting or existence of any fire for which costs may be recoverable by the department pursuant to law.

Reimbursement of emergency fire costs incurred or approved by the department in suppressing a forest fire may be paid from the appropriate contingency account as provided therein. Such payment shall be without restriction to the right of the department to recover costs pursuant to the provisions of RCW 76.04.390 as now or hereafter amended or other laws but any such recovery by the department shall be returned into the account from which it was spent, less reasonable costs of collection. [1973 1st ex.s. c 24 § 3; 1971 ex.s. c 207 § 5.]

76.04.515 LANDOWNER CONTINGENCY FOREST FIRE SUPPRESSION ACCOUNT. There is created a landowner contingency forest fire suppression account which shall be a separate account in the general fund. This account shall be for the purpose of paying emergency fire costs incurred or approved by the department in the suppression of forest fires. When a determination is made that the fire was started by other than a participating landowner operation, moneys expended from this account in the suppression of such fire shall be recovered from the general contingency forest fire suppression account. Moneys spent from this account shall be by appropriation. The department shall transmit to the state treasurer for deposit in the landowner contingency forest fire suppression account any moneys paid out of said account which are later recovered, less reasonable costs of recovery, which moneys may be expended for purposes set forth herein during the current biennium, without reappropriation.

This account shall be established and renewed by a special forest fire suppression account assessment paid by participating forest landowners at rates to be established by the department, but not to exceed five cents per acre per year for such period of years as may be necessary to establish and thereafter reestablish a balance in said account of one million dollars. The assessments with respect to forest lands in western and eastern Washington may differ to equitably distribute the assessment based on emergency

fire suppression cost experience necessitated by participating landowner operations. Amounts assessed for this account shall be a lien upon the forest lands with respect to which the assessment is made, and may be collected as directed by the department in the same manner as forest patrol assessments. This account shall be held by the state treasurer who is authorized to invest so much of said account as is not necessary to meet current needs. Any interest earned on moneys from said account shall be deposited in and remain a part of the account, and shall be computed as part of the same in determining the balance thereof. Interfund loans to and from this account are authorized at the then current rate of interest as determined by the state treasurer, provided that the effect of the loan is considered for purposes of determining the assessments. Payment of emergency costs from this account shall in no way restrict the right of the department to recover costs pursuant to RCW 76.04.390 as now or hereafter amended, or other laws.

When the department determines that a forest fire was started in the course of or as a result of a participating landowner operation, it shall notify the forest fire advisory board of such determination. Such determination shall be final, unless, within ninety days of such notification, the forest fire advisory board or any interested party, serves a request for a hearing before the department. Such hearing shall constitute a contested case under chapter 34.04 RCW and any appeal therefrom shall be to the superior court of Thurston county. [1973 1st ex.s. c 24 § 4; 1971 ex.s. c 207 § 8.]

Chapter 76.12 REFORESTATION

76.12.050 EXCHANGE OF LANDS TO CONSOLIDATE, BLOCK UP HOLDINGS OR OBTAIN LANDS HAVING COMMERCIAL RECREATIONAL LEASING POTENTIAL. The board of county commissioners of any county and/or the mayor and city council or city commission of any city or town and/or the board of natural resources shall have authority to exchange, each with the other, or with the federal forest service, the federal government or any proper agency thereof and/or with any private landowner, county land of any character, land owned by municipalities of any character, and land owned by the state under the jurisdiction of the department of natural resources, for real property of equal value for the purpose of consolidating and blocking up the respective land holdings of any county, municipality, the federal government, or the state of Washington or for the purpose of obtaining lands having commercial recreational leasing potential.

[1973 1st ex.s. c 50 § 1; 1961 c 77 § 1; 1937 c 77 § 1; RRS § 5812-3e.]

Chapter 76.42

WOOD DEBRIS—REMOVAL FROM NAVIGABLE WATERS

Cross Reference:

Navigation and harbor improvements: Title 88 RCW.

76.42.010 REMOVAL OF DEBRIS AUTHORIZED—ENFORCEMENT OF CHAPTER—DEPARTMENT OF NATURAL RESOURCES. This chapter authorizes the removal of wood debris from navigable waters of the state of Washington. It shall be the duty of the department of natural resources to administer and enforce the provisions of this chapter. [1973 c 136 § 2.]

76.42.020 DEFINITIONS. "Wood debris" as used in this chapter is wood that is adrift on navigable waters or has been adrift thereon and stranded on beaches, marshes, or navigable and shorelands and which is not merchantable or economically salvageable under the Log Patrol Act, chapter 76.40 RCW.

"Removal" as used in this chapter shall include all activities necessary for the collection and disposal of such wood debris: PROVIDED, That nothing herein provided shall permit removal of wood debris from private property without written consent of the owner. [1973 c 136 § 3.]

76.42.030 REMOVAL OF WOOD DEBRIS—AUTHORIZED. The department of natural resources may by contract, license, or permit, or other arrangements, cause such wood debris to be removed by licensed log patrolmen, other private contractors, department of natural resources employees, or by other public bodies. Nothing contained in this chapter shall prohibit any individual from using any nonmerchantable wood debris for his own personal use. [1973 c 136 § 4.]

76.42.040 DEBRIS REMOVAL ACCOUNT—CREATED—DISBURSEMENTS AUTHORIZED. The department of natural resources shall create, maintain, and administer within the log patrol revolving fund a separate account to be known as the debris removal account. This account shall consist of moneys recovered from the sale of debris as defined in RCW 76.42.020, and the moneys transferred from the log patrol revolving fund as provided in RCW 76.42.050. This account shall be used to pay for removal of wood debris, and for salaries, wages, and other operating expenses arising under the administration of this chapter. [1973 c 136 § 5.]

76.42.050 DEBRIS REMOVAL ACCOUNT--TRANSFER OF FUNDS FROM LOG PATROL REVOLVING FUND, AUTHORIZED. Moneys may be transferred within the log patrol revolving fund to the debris removal account not to exceed fifty percent of the total revenue of the log patrol revolving fund during each bimonthly period. The debris removal account balance shall not exceed ten thousand dollars and shall be in addition to the amount specified in RCW 76.40.015. [1973 c 136 § 6.]

76.42.060 NAVIGABLE WATERS--UNLAWFUL TO DEPOSIT WOOD DEBRIS INTO--EXCEPTION. It shall be unlawful to dispose of wood debris by depositing such material into any of the navigable waters of this state, except as authorized by law including any discharge or deposit allowed to be made under and in compliance with chapter 90.48 RCW and any rules or regulations duly promulgated thereunder. Violation of this section shall be a misdemeanor. [1973 c 136 § 7.]

76.42.070 RULES AND REGULATIONS--ADMINISTRATION OF CHAPTER--AUTHORITY TO ADOPT AND ENFORCE. The department of natural resources shall adopt and enforce such rules and regulations as may be deemed necessary for administering this chapter. [1973 c 136 § 8.]

TITLE 77
GAME AND GAME FISH

Sections added, amended, or repealed:

Chapter 77.04 Department of Game.

77.04.070 Official bond--Oaths.

Chapter 77.12 Powers and Duties of Commission.

77.12.170 State game fund--Composition--Disposition of fines, forfeitures, penalties.

77.12.175 Personalized license plates--Use of fees for support and aid of wildlife resources--Purpose of act.

77.12.390 Warrant to be drawn in favor of fund for which lands were held.

Chapter 77.32 Licenses.

77.32.230 Free licenses--Certain veterans--Blind persons.

Chapter 77.04
DEPARTMENT OF GAME

77.04.070 OFFICIAL BOND--OATHS. [1955 c 36 § 77.04.070. Prior: 1947 c 275 § 7; Rem. Supp. 1947 § 5992-17.] Repealed by 1973 c 95 § 12.

Chapter 77.12
POWERS AND DUTIES OF COMMISSION

77.12.170 STATE GAME FUND--COMPOSITION--DISPOSITION OF FINES, FORFEITURES, PENALTIES. There is established in the state treasury a fund to be known as the state game fund which shall consist of all moneys received from fees for the sale of licenses and permits provided in this title, from the personalized vehicle license plate fees provided in chapter 46.16 RCW, and from fines, forfeitures, and costs collected for violations of this title, or any other statute for the protection of wild animals and birds and game fish, or any rule or regulation of the commission relating thereto: PROVIDED, That fifty percent of all fines and bail forfeitures shall not become part of the state game fund and shall be retained by the county in which collected: PROVIDED FURTHER, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

All state and county officers receiving any moneys in payment of fees for licenses under this title or from fees for the personalized vehicle license plates provided in chapter 46.16 RCW, or in payment of fines, penalties, or costs imposed for violations of this title, or any other statute for the protection of wild animals and birds and game fish, or any rule or regulation of the commission; from rentals or concessions, and from the sale of real or personal property held for game department purposes, shall pay them into the state treasury to be placed to the credit of the state game fund: PROVIDED, That county officers shall remit only fifty percent of all fines and bail forfeitures: PROVIDED FURTHER, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. [1973 1st ex.s. c 200 § 12; 1969 ex.s. c 199 § 33; 1955 c 36 § 77.12.170. Prior: 1947 c 275 § 27; Rem. Supp. 1947 § 5992-37.]

Reviser's note: The amendment to this section by 1973 1st ex.s. c 200 was subject to a referendum. See RCW 46.16.610. The amendment was adopted and ratified by the people at the November 6,

1973 general election (Referendum Bill No. 33).

77.12.175 PERSONALIZED LICENSE PLATES—USE OF FEES FOR SUPPORT AND AID OF WILDLIFE RESOURCES—PURPOSE OF ACT. It is declared to be the public policy of the state of Washington to direct financial resources of this state toward the support and aid of the wildlife resources existing within the state of Washington in order that the general welfare of these inhabitants of the state be served. For the purposes of this chapter, wildlife resources are understood to be those species of wildlife other than that managed by the department of fisheries under their existing jurisdiction as well as all unclassified marine fish, shellfish, and marine invertebrates which shall remain under the jurisdiction of the director of fisheries. The legislature further finds that the preservation, protection, perpetuation, and enhancement of such wildlife resources of the state is of major concern to it, and that aid for a satisfactory environment and ecological balance in this state for such wildlife resources serves a public interest, purpose, and desire.

It is further declared that such preservation, protection, perpetuation, and enhancement can be fostered through financial support derived on a voluntary basis from those citizens of the state of Washington who wish to assist in such objectives; that a desirable manner of accomplishing this is through offering personalized license plates for motor vehicles, the fees for which are to be directed to the state treasury to the credit of the state game fund for the furtherance of the programs, policies, and activities of the state game department in preservation, protection, perpetuation, and enhancement of the wildlife resources that abound within the geographical limits of the state of Washington.

In particular, the legislature recognizes the benefit of this program to be specifically directed toward those species of wildlife including but not limited to songbirds, protected wildlife, rare and endangered wildlife, aquatic life, and specialized-habitat types, both terrestrial and aquatic, as well as all unclassified marine fish, shellfish, and marine invertebrates which shall remain under the jurisdiction of the director of fisheries that exist within the limits of the state of Washington. [1973 1st ex.s. c 200 § 1.]

Reviser's note: The enactment of this section was subject to a referendum. See RCW 46.16.610. The section was adopted and ratified by the people at the November 6, 1973 general election (Referendum Bill No. 33).

77.12.390 WARRANT TO BE DRAWN IN FAVOR OF FUND FOR WHICH LANDS WERE HELD. Upon receipt of any voucher, the commissioner of public lands shall immediately execute the same and cause such lands to be withdrawn from lease. The said commissioner shall thereupon forward to the state treasurer the said voucher and the state treasurer shall thereupon draw a warrant against the state game fund and in favor of the particular fund for which the withdrawn lands have been theretofore held. [1973 c 106 § 35; 1955 c 36 § 77.12.390. Prior: 1947 c 130 § 4; Rem. Supp. 1947 § 8136-13.]

Chapter 77.32 LICENSES

77.32.230 FREE LICENSES—CERTAIN VETERANS—BLIND PERSONS. Any bona fide resident of this state who is a veteran of the Spanish-American War, or any person sixty-five or more years of age who is an honorably discharged veteran of the United States military or naval forces having a service-connected disability and who has been a resident of this state for five years, upon the making of an affidavit to such effect, shall be given a state hunting and fishing license free of charge upon application therefor: PROVIDED, That the applicant pays the statutory agent's fee for such license.

Any person who is blind shall be issued a fishing license free of charge except for the statutory agent's fee. Such license shall be renewable annually under the same conditions. Any separate tags or punch cards which may be required by law shall not be deemed to be included with the free fishing license and must be purchased separately by any person receiving a license pursuant to this section. [1973 1st ex.s. c 58 § 1; 1961 c 94 § 2; 1959 c 245 § 2; 1955 c 36 § 77.32.230. Prior: 1947 c 275 § 112; Rem. Supp. 1947 § 5992-121.]

TITLE 78 MINES, MINERALS, AND PETROLEUM

Sections added, amended, or repealed:

Chapter 78.40 Coal Mining Code.

78.40.606 Employment of persons under eighteen, when—Penalty.

Chapter 78.48 Mine to Market Roads.

78.48.080 Funds and contributions—Expenditure.

Chapter 78.40
COAL MINING CODE

78.40.606 EMPLOYMENT OF PERSONS UNDER EIGHTEEN, WHEN—PENALTY. No person under eighteen years of age shall be employed or permitted to be in any mine for the purpose of employment therein. No person under the age of sixteen years shall be employed or permitted to be in or about the surface workings of any mine for the purpose of employment: PROVIDED, That this prohibition shall not affect the employment of boys or girls for clerical or messenger duty about the surface workings as permitted under the state and federal laws.

When an employer is in doubt as to the age of any person applying for employment in or about the mine, he shall demand and receive proof of the age of such person by certificate from the parents or guardian of such person before such person shall be employed. Said certificate shall consist of an affidavit, sworn and subscribed to before a justice of the peace or notary public, that the person making such affidavit, is of the prescribed age for employment.

Any person swearing falsely in regard to the age of a person shall be guilty of perjury and shall be punished as provided in the statutes of the state. [1973 1st ex.s. c 154 § 114; 1943 c 211 § 11; 1917 c 36 § 165; Rem. Supp. 1943 § 8800. Prior: 1909 c 117 § 4; 1891 c 81 § 12; 1887 c 21 § 6, part; 1885 p 132 § 24, part. Formerly RCW 78.34.040.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 78.48
MINE TO MARKET ROADS

78.48.080 FUNDS AND CONTRIBUTIONS--EXPENDITURE. In the event that any funds are made available from the federal government or from any department, division or agency thereof for the purpose of paying the cost of the establishment, location and construction of any mine to market road or trail, such funds shall be received by the state treasurer of the state of Washington and deposited by him in the motor vehicle fund: PROVIDED, That the director of highways and all officers, departments, boards or commissions of the state of Washington shall have the power to receive and use such federal funds in such manner as the federal agency making such contributions shall provide. In the event that any private individual, firm, corporation or association may desire to make any contribution to aid in the cost of construction of any mine to market road or trail, such contribution shall be made in lawful money of the United States by delivery to the state treasurer and by him

deposited to the credit of the motor vehicle fund for the use of the director of highways to defray the cost of establishment, location and construction of the mine to market road or trail, or that portion thereof for which such contribution was made.

Whenever, upon completion of a mine to market road or trail, there shall be an unexpended balance of a contribution received from a private individual, firm, corporation or association in aid of the construction of such mine to market road or trail the director of highways shall prepare a voucher to the state treasurer for the issuance of a warrant in favor of the donor against the motor vehicle fund in the amount of such unexpended balance.

In the event that any private individual, firm, corporation or association desires to donate labor, machinery or equipment in aid of the location or construction of a mine to market road or trail the director of highways is authorized to accept and use the same. [1973 c 106 § 36; 1951 c 49 § 1; 1945 c 222 § 5; 1943 c 146 § 4; 1939 c 175 § 6; Rem. Supp. 1945 § 6450-25f.]

TITLE 79
PUBLIC LANDS

Sections added, amended, or repealed:

Chapter 79.08 General Provisions.

- 79.08.180 Exchange of lands to facilitate marketing of forest products, to consolidate and block up state lands or to obtain lands having commercial recreational leasing potential.
- 79.08.220 State school lands used by cities and counties for park and recreational purposes--Such purposes deemed highest and best use.
- 79.08.230 State school lands leased to cities and towns as open space land--Registration--Classification under chapter 84.34 RCW.
- 79.08.240 State school lands leased to cities and towns as open space land--Cost of lease to be equivalent to property taxes levied on similar private land classified under chapter 84.34 RCW.

Chapter 79.24 Capitol Building Lands.

- 79.24.030 Employment of assistants--Payment of expenses.

Chapter 79.48 Reclamation of Arid Lands Under Carey Act.

- 79.48.130 Application for entry--Certificate of location--Minimum price.

SUBJECT INDEX—PUBLIC LAND ACTS
OF SPECIAL OR HISTORICAL NATURE
NOT CODIFIED IN RCW

(Supplementing the table on
page [Digest—p 3] of Title 79,
white pages and on page [T79-11]
of green supplement)

	Year	Chapter
Mason county, exchange of forest trust land...	1973	26

Chapter 79.08
GENERAL PROVISIONS

79.08.180 EXCHANGE OF LANDS TO FACILITATE MARKETING OF FOREST PRODUCTS, TO CONSOLIDATE AND BLOCK UP STATE LANDS OR TO OBTAIN LANDS HAVING COMMERCIAL RECREATIONAL LEASING POTENTIAL. For the purpose of facilitating the marketing of forest products of state lands, or consolidating and blocking up of state lands, or the acquisition of lands having commercial recreational leasing potential, the commissioner of public lands may, with the advice and approval of such state board, commission, committee, or agency exercising control over the disposal of the land involved, exchange any state lands with any timber thereon for any other land of equal value, including other state lands, lands of the United States, county or municipal lands of any character, and privately owned lands. [1973 1st ex.s. c 50 § 2; 1961 c 77 § 4; 1957 c 290 § 1.]

79.08.220 STATE SCHOOL LANDS USED BY CITIES AND COUNTIES FOR PARK AND RECREATIONAL PURPOSES—SUCH PURPOSES DEEMED HIGHEST AND BEST USE. [1971 ex.s. c 246 § 2.] Repealed by 1973 c 57 § 1.

79.08.230 STATE SCHOOL LANDS LEASED TO CITIES AND TOWNS AS OPEN SPACE LAND—REGISTRATION—CLASSIFICATION UNDER CHAPTER 84.34 RCW. [1971 ex.s. c 246 § 3.] Repealed by 1973 c 57 § 1.

79.08.240 STATE SCHOOL LANDS LEASED TO CITIES AND TOWNS AS OPEN SPACE LAND—COST OF LEASE TO BE EQUIVALENT TO PROPERTY TAXES LEVIED ON SIMILAR PRIVATE LAND CLASSIFIED UNDER CHAPTER 84.34 RCW. [1971 ex.s. c 246 § 4.] Repealed by 1973 c 57 § 1.

Chapter 79.24
CAPITOL BUILDING LANDS

79.24.030 EMPLOYMENT OF ASSISTANTS—PAYMENT OF EXPENSES. The board of natural resources and the state capitol committee may employ such cruisers, draughtsmen, engineers, architects or other assistants as may be necessary for the best interests

of the state in carrying out the provisions of this act, and all expenses incurred by the board and committee, and all claims against the general fund—capitol building construction account shall be audited by the state capitol committee and presented in vouchers to the state treasurer, who shall draw a warrant therefor against the general fund—capitol building construction account as herein provided or out of any appropriation made for such purpose. [1973 c 106 § 37; 1959 c 257 § 43; 1911 c 59 § 12; 1909 c 69 § 7; RRS § 7903.]

Chapter 79.48
RECLAMATION OF ARID LANDS UNDER CAREY ACT

79.48.130 APPLICATION FOR ENTRY—CERTIFICATE OF LOCATION—MINIMUM PRICE. Any citizen of the United States, or any person having declared his intention to become a citizen of the United States eighteen years of age or over, may make application under oath, to the commissioner of public lands, to enter any of said lands in any amount not to exceed one hundred and sixty acres for any one person; such application shall set forth that the person desiring to make such entry does so for the purpose of actual reclamation, cultivation and settlement in accordance with the act of congress and the laws of this state relating thereto, and the applicant has never received the benefit of the provisions of this chapter, to an amount greater than one hundred and sixty acres, including the number of acres specified in the application under consideration. Such application must be accompanied by a certified copy of a contract for a perpetual water right, made and entered into by the party making application with the person, company or association of persons, or incorporated company who have been authorized by the commissioner of public lands to furnish water for the reclamation of said land; and if said applicant has at any previous time entered land under the provisions of this chapter, he shall so state in his application, together with the description, date of entry and location of said lands. The commissioner of public lands shall thereupon file in his office the application and papers relating thereto, and, if allowed, issue a certificate of location to the applicant. All applications for entry shall be accompanied by a payment of one dollar per acre, which shall be paid as a partial payment on the land if the application is allowed, and all certificates when issued shall be recorded in a book to be kept for that purpose. If the application is not allowed, or the contractor fails to complete the work according to contract the one dollar per acre accompanying the application shall be returned to the applicant. The commissioner of public lands shall dispose of all lands accepted

by the state under the provisions of this chapter at a uniform price of not less than ten dollars per acre, one-tenth to be paid at the time of entry and the remainder in nine equal annual installments, with interest at six percent per annum payable annually, provided a settler may make payment in full at any time upon or after making final proof. [1973 1st ex.s. c 154 § 115; 1971 ex.s. c 292 § 55; 1903 c 152 § 12; RRS § 7934.]

Severability—1973 1st ex.s. c 154; See note following RCW 2.12.030.

TITLE 80
PUBLIC UTILITIES

Sections added, amended, or repealed:

Chapter 80.28 Gas, Electrical and Water Companies.

80.28.080 Published rates to be charged—
Exceptions.

Chapter 80.28
GAS, ELECTRICAL AND WATER COMPANIES

80.28.080 PUBLISHED RATES TO BE CHARGED—EXCEPTIONS. No gas company, electrical company or water company shall charge, demand, collect or receive a greater or less or different compensation for any service rendered or to be rendered than the rates and charges applicable to such service as specified in its schedule filed and in effect at the time, nor shall any such company directly or indirectly refund or remit in any manner or by any device any portion of the rates or charges so specified, or furnish its product at free or reduced rates except to its employees and their families, and its officers, attorneys, and agents; to hospitals, charitable and eleemosynary institutions and persons engaged in charitable and eleemosynary work; to indigent and destitute persons; to national homes or state homes for disabled volunteer soldiers and soldiers' and sailors' homes: PROVIDED, That the term "employees" as used in this paragraph shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of any such company; and the term "families," as used in this paragraph, shall include the families of those persons named in this proviso, the families of persons killed or dying in the service, also the families of persons killed, and the surviving spouse prior to remarriage, and the minor children during minority of persons who died while in the service of any of the companies named in this paragraph: AND PROVIDED, FURTHER, That water companies may furnish free or at reduced rates water for the use of the

state, or for any project in which the state is interested.

No gas company, electrical company or water company shall extend to any person or corporation any form of contract or agreement or any rule or regulation or any privilege or facility except such as are regularly and uniformly extended to all persons and corporations under like circumstances. [1973 1st ex.s. c 154 § 116; 1961 c 14 § 80.28.080. Prior: 1911 c 117 § 29; RRS § 10365.]

Severability—1973 1st ex.s. c 154; See note following RCW 2.12.030.

Chapter 80.50
THERMAL POWER PLANTS—SITE LOCATIONS

Cross Reference:

Water pollution control, thermal power plants, permits, etc., duties of thermal power plant site evaluation council: RCW 90.48.262.

TITLE 81
TRANSPORTATION

Sections added, amended, or repealed:

Chapter 81.04 Regulations—General.

- 81.04.405 Additional penalties—Violations by public service companies and officers, agents, and employees thereof.
81.04.510 Engaging in business or operating without approval or authority—Procedure.

Chapter 81.28 Common Carriers in General.

- 81.28.080 Published rates to be charged—
Exceptions.

Chapter 81.48 Railroads—Operating Requirements and Regulations.

- 81.48.030 Speed within cities and at grade crossings may be regulated.

Chapter 81.53 Railroads—Crossings.

- 81.53.271 Crossing signals, warning devices—Petition, contents—Apportionment of installation and maintenance costs.
81.53.281 Crossing signals, warning devices—Grade crossing protective fund—Created—Allocations from, procedure—Recovery of costs.

Chapter 81.68 Auto Transportation Companies.

- 81.68.050 Filing fees.

Chapter 81.70 Passenger Charter Carriers.

- 81.70.060 Applications for certificates—Annual renewal fee—Initial filing fee.
- 81.70.095 Temporary certificates—Duration—Terms and conditions.
- 81.70.100 Certificate not to be transferred or encumbered unless authorized.

Chapter 81.77 Garbage and Refuse Collection Companies.

- 81.77.050 Filing fees.

Chapter 81.80 Motor Freight Carriers.

- 81.80.090 Form of application—Filing fees.
- 81.80.150 Tariffs to be compiled and sold by commission.
- 81.80.180 Hearing to determine carrier's classification.
- 81.80.270 Transfer, assignment of permits—Acquisition of carrier holding permit, commission approval—Duties on cessation of operation.
- 81.80.272 Transfer of decedent's interest—Temporary continuance of operations.

Chapter 81.84 Steamboat Companies.

- 81.84.040 Filing fees.

Chapter 81.94 Wharfingers and Warehousemen.

- 81.94.060 Published rates to be charged—Exceptions.

Chapter 81.04
REGULATIONS—GENERAL

81.04.405 ADDITIONAL PENALTIES—VIOLATIONS BY PUBLIC SERVICE COMPANIES AND OFFICERS, AGENTS, AND EMPLOYEES THEREOF. In addition to all other penalties provided by law every public service company subject to the provisions of this title and every officer, agent or employee of any such public service company who violates or who procures, aids or abets in the violation of any provision of this title or any order, rule, regulation or decision of the commission, and every person or corporation violating the provisions of any cease and desist order issued pursuant to RCW 81.04.510, shall incur a penalty of one hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense and in case of a continuing violation every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in

the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for.

The penalty herein provided for shall become due and payable when the person incurring the same receives a notice in writing from the commission describing such violation with reasonable particularity and advising such person that the penalty is due. The commission may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as it in its discretion shall deem proper and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as it may deem proper. If the amount of such penalty is not paid to the commission within fifteen days after receipt of notice imposing the same or application for remission or mitigation has not been made within fifteen days after violator has received notice of the disposition of such application the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of some other county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise herein provided. All penalties recovered under this title shall be paid into the state treasury and credited to the public service revolving fund. [1973 c 115 § 2; 1963 c 59 § 3.]

81.04.510 ENGAGING IN BUSINESS OR OPERATING WITHOUT APPROVAL OR AUTHORITY—PROCEDURE. Whether or not any person or corporation is conducting business requiring operating authority, or has performed or is performing any act requiring approval of the commission without securing such approval, shall be a question of fact to be determined by the commission. Whenever the commission believes that any person or corporation is engaged in operations without the necessary approval or authority required by any provision of this title, it may institute a special proceeding requiring such person or corporation to appear before the commission at a location convenient for witnesses and the production of evidence and bring with him books, records, accounts and other memoranda, and give testimony under oath as to his operations or acts, and the burden shall rest upon such person or corporation of proving that his operations or acts are not subject to the provisions of this chapter. The commission may consider any and all facts that may indicate the true nature and extent of the operations or acts and may subpoena such witnesses and documents as it deems necessary.

After having made the investigation herein described, the commission is authorized and directed to issue the necessary order or orders declaring the operations or acts to be subject to, or not subject to, the provisions of this title. In the event the operations or acts are found to be subject to the provisions of this title, the commission is authorized and directed to issue cease and desist orders to all parties involved in the operations or acts.

In proceedings under this section no person or corporation shall be excused from testifying or from producing any book, waybill, document, paper or account before the commission when ordered to do so, on the ground that the testimony or evidence, book, waybill, document, paper or account required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person or corporation shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any account, transaction, matter or thing concerning which he shall under oath have testified or produced documentary evidence in proceedings under this section: PROVIDED, That no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. [1973 c 115 § 15.]

Chapter 81.28 COMMON CARRIERS IN GENERAL

81.28.080 PUBLISHED RATES TO BE CHARGED--EXCEPTIONS. No common carrier shall charge, demand, collect or receive a greater or less or different compensation for transportation of persons or property, or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified excepting upon order of the commission as hereinafter provided, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property except such as are regularly and uniformly extended to all persons and corporations under like circumstances. No common carrier shall, directly or indirectly, issue or give any free ticket, free pass or free or reduced transportation for passengers between points within this state, except its employees and their families, surgeons and physicians and their families, its officers, agents and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals, charitable and eleemosynary institutions and persons exclusively engaged in charitable

and eleemosynary work; to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary caretakers of livestock, poultry, milk and fruit; to employees of sleeping car companies, express companies, and to linemen of telegraph and telephone companies; to railway mail service employees, post office inspectors, customs inspectors and immigration inspectors; to newsboys on trains; baggage agents, witnesses attending any legal investigation in which the common carrier is interested; to persons injured in accidents or wrecks and physicians and nurses attending such persons; to the National Guard of Washington when on official duty, and students going to and returning from state institutions of learning: PROVIDED, That this provision shall not be construed to prohibit the interchange of passes for the officers, attorneys, agents and employees and their families, of railroad companies, steamboat companies, express companies and sleeping car companies with other railroad companies, steamboat companies, express companies and sleeping car companies, nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation: AND PROVIDED, FURTHER, That this provision shall not be construed to prohibit the exchange of passes or franks for the officers, attorneys, agents, employees, and their families of such telegraph, telephone and cable lines, and the officers, attorneys, agents, employees, and their families of other telegraph, telephone or cable lines, or with railroad companies, express companies or sleeping car companies: PROVIDED, FURTHER, That the term "employee" as used in this section shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed or dying in the employment of a carrier, those entering or leaving its service and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this section shall include the families of those persons named in this proviso, also the families of persons killed and the surviving spouses prior to remarriage and minor children during minority, of persons who died while in the service of any such common carrier: AND PROVIDED, FURTHER, That nothing herein contained shall prevent the issuance of mileage, commutation tickets or excursion passenger tickets: AND PROVIDED, FURTHER, That nothing in this section shall be construed to prevent

the issuance of free or reduced transportation by any street railroad company for mail carriers, or policemen or members of fire departments, city officers, and employees when engaged in the performance of their duties as such city employees.

Common carriers subject to the provisions of this title may carry, store or handle, free or at reduced rates, property for the United States, state, county or municipal governments, or for charitable purposes, or to or from fairs and exhibitions for exhibition thereat, and may carry, store or handle, free or at reduced rates, the household goods and personal effects of its employees and those entering or leaving its service and those killed or dying while in its service.

Nothing in this title shall be construed to prohibit the making of a special contract providing for the mutual exchange of service between any railroad company and any telegraph or telephone company, where the line of such telegraph or telephone company is situated upon or along the railroad right of way and used by both of such companies. [1973 1st ex.s. c 154 § 117; 1961 c 14 § 81.28.080. Prior: 1929 c 96 § 1; 1911 c 117 § 18; RRS § 10354. Formerly RCW 81.28.080 through 81.28.130, 81.28.150 through 81.28.170, and 80.36.130.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 81.48

RAILROADS—OPERATING REQUIREMENTS AND REGULATIONS

81.48.030 SPEED WITHIN CITIES AND AT GRADE CROSSINGS MAY BE REGULATED. The right to fix and regulate the speed of railway trains within the limits of code cities, cities of the second class, third class, towns, and at grade crossings as defined in RCW 81.53.010 where such grade crossings are outside the limits of cities and towns, is vested exclusively in the commission: PROVIDED, That RCW 81.48.030 and 81.48.040 shall not apply to street railways which may be operating or hereafter operated within the limits of said cities and towns. [1973 c 115 § 3; 1971 ex.s. c 143 § 1; 1961 c 14 § 81.48.030. Prior: 1943 c 228 § 1; Rem. Supp. 1943 § 10547-1.]

Chapter 81.53

RAILROADS—CROSSINGS

81.53.271 CROSSING SIGNALS, WARNING DEVICES—PETITION, CONTENTS—APPORTIONMENT OF INSTALLATION AND MAINTENANCE COSTS. The petition shall set forth by description the location of the crossing or crossings, the type of signal or other

warning device to be installed, the necessity from the standpoint of public safety for such installation, the approximate cost of installation, and the approximate annual cost of maintenance. If installation is directed by the commission, it shall apportion the cost of installation and maintenance as provided in this section:

Installation: (1) Sixty percent to the grade crossing protective fund, created by RCW 81.53.281;

(2) Thirty percent to the city, town, county or state; and

(3) Ten percent to the railroad:

PROVIDED, That, if the proposed installation is located at a new crossing requested by a city, town, county or state, forty percent of the cost shall be apportioned to the city, town, county or state, and none to the railroad. If the proposed installation is located at a new crossing requested by a railroad, then the entire cost shall be apportioned to the railroad. In the event the city, town, county, or state should concurrently petition the commission and secure an order authorizing the closure of an existing crossing or crossings in proximity to the crossing for which installation of signals or other warning devices shall have been directed, the apportionment to the petitioning city, town, county, or state shall be reduced by ten percent of the total cost for each crossing ordered closed and the apportionment from the grade crossing protective fund increased accordingly. This exception shall not be construed to permit a charge to the grade crossing protective fund in an amount greater than the total cost otherwise apportionable to the city, town, county, or state. No reduction shall be applied where one crossing is closed and another opened in lieu thereof, nor to crossings of a private nature.

Maintenance: (1) Twenty-five percent to the grade crossing protective fund, created by RCW 81.53.281; and

(2) Seventy-five percent to the railroad:

PROVIDED, That if the proposed installation is located at a new crossing requested by a railroad, then the entire cost shall be apportioned to the railroad. [1973 1st ex.s. c 77 § 1; 1969 c 134 § 2.]

81.53.281 CROSSING SIGNALS, WARNING DEVICES—GRADE CROSSING PROTECTIVE FUND—CREATED—ALLOCATIONS FROM, PROCEDURE—RECOVERY OF COSTS. There is hereby created in the state treasury a "grade crossing protective fund," to which shall be transferred all moneys appropriated for the purpose of carrying out the provisions of RCW 81.53.261, 81.53.271, 81.53.281 and 81.53.291. At the time the commission makes each allocation of cost to said grade crossing protective fund, it shall certify that such cost shall be payable out of said fund. Upon completion of the installation of any such signal or other

protective device, the railroad shall present its claim for reimbursement for the cost of installation from said fund of the amount allocated thereto by the commission. The annual cost of maintenance shall be presented and paid in a like manner. The commission is hereby authorized to recover administrative costs from said fund in an amount not to exceed three percent of the direct appropriation provided for any biennium, and in the event administrative costs exceed three percent of the appropriation, the excess shall be chargeable to regulatory fees paid by railroads pursuant to RCW 81.24.010. [1973 c 115 § 4; 1969 c 134 § 3.]

Chapter 81.68
AUTO TRANSPORTATION COMPANIES

81.68.050 FILING FEES. Any application for a certificate of public convenience and necessity or amendment thereof, or application to sell, lease, mortgage, or transfer a certificate of public convenience and necessity or any interest therein, shall be accompanied by such filing fees as the commission may prescribe by rule: PROVIDED, That such fee shall not exceed two hundred dollars. [1973 c 115 § 5; 1961 c 14 § 81.68.050. Prior: 1955 c 125 § 9; prior: 1937 c 158 § 2, part; RRS § 10417-1, part.]

Chapter 81.70
PASSENGER CHARTER CARRIERS

81.70.060 APPLICATIONS FOR CERTIFICATES—ANNUAL RENEWAL FEE—INITIAL FILING FEE. Each annual application for a certificate to act as a charter party carrier of passengers pursuant to the provisions of this chapter shall be accompanied by an annual renewal fee of twenty-five dollars. Each initial application for a permanent or temporary certificate, or transfer or encumbrance of a certificate shall be accompanied by such filing fee as the commission may prescribe by rule: PROVIDED, That such fee shall not exceed two hundred dollars. [1973 c 115 § 6; 1969 c 132 § 4; 1965 c 150 § 7.]

81.70.095 TEMPORARY CERTIFICATES—DURATION—TERMS AND CONDITIONS. The commission may with or without a hearing issue temporary certificates to engage in the business of operating a passenger charter carrier company, but only after it finds that the issuance of such temporary certificate is consistent with the public interest. Such temporary certificate may be issued for a period up to one hundred eighty days where the territory covered thereby is not contained in the certificate of any other passenger charter carrier company. In all other cases such

temporary certificate may be issued for a period not to exceed one hundred twenty days. The commission may prescribe such special rules and regulations and impose such special terms and conditions with reference thereto as in its judgment are reasonable and necessary in carrying out the provisions of this chapter. [1973 c 115 § 7; 1969 c 132 § 8.]

81.70.100 CERTIFICATE NOT TO BE TRANSFERRED OR ENCUMBERED UNLESS AUTHORIZED. No certificate issued pursuant to this chapter or rights to conduct any of the services therein authorized shall be leased, assigned or otherwise transferred or encumbered, unless authorized by the commission. [1973 c 115 § 8; 1969 c 132 § 9; 1965 c 150 § 11.]

Chapter 81.77
GARBAGE AND REFUSE COLLECTION COMPANIES

81.77.050 FILING FEES. Any application for a certificate of public convenience and necessity or amendment thereof, or application to sell, lease, mortgage, or transfer a certificate of public convenience and necessity or any interest therein, shall be accompanied by such filing fee as the commission may prescribe by rule: PROVIDED, That such fee shall not exceed two hundred dollars. [1973 c 115 § 9; 1961 c 295 § 6.]

Chapter 81.80
MOTOR FREIGHT CARRIERS

81.80.090 FORM OF APPLICATION—FILING FEES. The commission shall prescribe forms of application for permits and for extensions thereof for the use of prospective applicants, and for transfer of permits and for acquisition of control of carriers holding permits, and shall make regulations for the filing thereof. Any such application shall be accompanied by such filing fee as the commission may prescribe by rule: PROVIDED, That such fee shall not exceed two hundred dollars. [1973 c 115 § 10; 1961 c 14 § 81.80.090. Prior: 1941 c 163 § 2; 1937 c 166 § 7; 1935 c 184 § 7; RRS § 6382-7.]

81.80.150 TARIFFS TO BE COMPILED AND SOLD BY COMMISSION. The commission shall make, fix, construct, compile, promulgate, publish, and distribute tariffs containing compilations of rates, charges, classifications, rules and regulations to be used by all common carriers. In compiling such tariffs it shall include within any given tariff compilation such carriers, groups of carriers, commodities, or geographical areas as it determines shall be in the public interest. Such compilations and

publications may be made by the commission by compiling the rates, charges, classifications, rules, and regulations now in effect, and as they may be amended and altered from time to time after notice and hearing, by issuing and distributing revised pages or supplements to such tariffs or reissues thereof in accordance with the orders of the commission: PROVIDED, That the commission, upon good cause shown, may establish temporary rates, charges, or classification changes which may be made permanent only after publication in an applicable tariff for not less than sixty days, and determination by the commission thereafter that the rates, charges or classifications are just, fair and reasonable: PROVIDED FURTHER, That temporary rates shall not be made permanent except upon notice and hearing if within sixty days from date of publication, a shipper or common carrier, or representative of either, shall file with the commission a protest alleging such temporary rates to be unjust, unfair or unreasonable. For purposes of this proviso, the publication of temporary rates in the tariff shall be deemed adequate public notice. Nothing herein shall be construed to prevent the commission from proceeding on its own motion, upon notice and hearing, to fix and determine just, fair and reasonable rates, charges and classifications. The proper tariff, or tariffs, applicable to a carrier's operations shall be available to the public at each agency and office of all common carriers operating within this state. Such compilations and publications shall be sold by the commission for not to exceed ten dollars for each tariff. Corrections to such publications shall be furnished to all subscribers to tariffs in the form of corrected pages to the tariffs, supplements or reissues thereof. In addition to the initial charge for each tariff, the commission shall charge an annual maintenance fee of not to exceed ten dollars per tariff to cover the cost of issuing corrections or supplements and mailing them to subscribers: PROVIDED, That copies may be furnished free to other regulatory bodies and departments of government and to colleges, schools, and libraries. All copies of the compilations, whether sold or given free, shall be issued and distributed under rules and regulations to be fixed by the commission: PROVIDED FURTHER, That the commission may by order authorize common carriers to publish and file tariffs with the commission and be governed thereby in respect to certain designated commodities and services when, in the opinion of the commission, it is impractical for the commission to make, fix, construct, compile, publish and distribute tariffs covering such commodities and services. [1973 c 115 § 11; 1961 c 14 § 81.80.150. Prior: 1959 c 248 § 5; 1957 c 205 § 6; 1947 c 264 § 4; 1941 c 163 § 3; 1937 c 166 § 10; Rem. Supp. 1947 § 6382-11a.]

81.80.180 HEARING TO DETERMINE CARRIER'S CLASSIFICATION. [1961 c 14 § 81.80-180. Prior: 1941 c 163 § 4; 1937 c 166 § 13; 1935 c 184 § 15; RRS § 6382-15.] Repealed by 1973 c 115 § 16.

81.80.270 TRANSFER, ASSIGNMENT OF PERMITS--ACQUISITION OF CARRIER HOLDING PERMIT, COMMISSION APPROVAL--DUTIES ON CESSATION OF OPERATION. No permit issued under the authority of this chapter shall be construed to be irrevocable. Nor shall such permit be subject to transfer or assignment except upon a proper showing that property rights might be affected thereby, and then in the discretion of the commission.

No person, partnership or corporation, singly or in combination with any other person, partnership or corporation, whether a carrier holding a permit or otherwise, or any combination of such, shall acquire control or enter into any agreement or arrangement to acquire control of a common or contract carrier holding a permit through ownership of its stock or through purchase, lease or contract to manage the business, or otherwise except after and with the approval and authorization of the commission: PROVIDED, That upon the dissolution of a partnership, which holds a permit, because of the death, bankruptcy, or withdrawal of a partner where such partner's interest is transferred to his spouse or to one or more remaining partners, or in the case of a corporation which holds a permit, in the case of the death of a shareholder where a shareholder's interest upon death is transferred to his spouse or to one or more of the remaining shareholders, the commission shall transfer the permit to the newly organized partnership which is substantially composed of the remaining partners, or continue the corporation's permit without making the proceeding subject to hearing and protest. In all other cases any such transaction either directly or indirectly entered into without approval of the commission shall be void and of no effect, and it shall be unlawful for any person seeking to acquire or divest control of such permit to be a party to any such transaction without approval of the commission.

Every carrier who shall cease operation and abandon his rights under the permits issued him shall notify the commission within thirty days of such cessation or abandonment, and return to the commission the identification cards issued to him. [1973 c 115 § 12; 1969 ex.s. c 210 § 12; 1965 ex.s. c 134 § 1; 1963 c 59 § 6; 1961 c 14 § 81.80.270. Prior: 1959 c 248 § 24; 1937 c 166 § 18; 1935 c 184 § 23; RRS § 6382-23.]

81.80.272 TRANSFER OF DECEDENT'S INTEREST--TEMPORARY CONTINUANCE OF OPERATIONS. Except as otherwise provided in RCW 81.80.270 any permit granted to any person under this chapter and held by that person alone or in conjunction with others other than as stockholders in a corporation at the time of his death shall be transferable the same as any other right or interest of the person's estate subject to the following:

(1) Application for transfer shall be made to the commission in such form and contain such information as the commission shall prescribe. The transfer described in any such application shall be approved if it appears from the application or from any hearing held thereon or from any investigation thereof that the proposed transferee is fit, willing and able properly to perform the services authorized by the permit to be transferred and to conform to the provisions of this chapter and the requirements, rules and regulations of the commission thereunder, otherwise the application shall be denied.

(2) Temporary continuance of motor carrier operations without prior compliance with the provisions of this section will be recognized as justified by the public interest in cases in which the personal representatives, heirs or surviving spouses of deceased persons desire to continue the operations of the carriers whom they succeed in interest subject to such reasonable rules and regulations as the commission may prescribe.

In case of temporary continuance under this section the successor shall immediately procure insurance or deposit security as required by RCW 81.80.190.

Immediately upon any such temporary continuance of motor carrier operations and in any event not more than thirty days thereafter the successor shall give notice of the succession by written notice to the commission containing such information as the commission shall prescribe. [1973 c 115 § 13; 1965 ex.s. c 134 § 2.]

Chapter 81.84
STEAMBOAT COMPANIES

81.84.040 FILING FEES. Any application for a certificate of public convenience and necessity or amendment thereof, or application to sell, lease, mortgage, or transfer a certificate of public convenience and necessity or any interest therein, shall be accompanied by such filing fee as the commission may prescribe by rule: PROVIDED, That such fee shall not exceed two hundred dollars. [1973 c 115 § 14; 1961 c 14 § 81.84.040. Prior: 1955 c 125 § 10; prior: 1939 c 123 § 3, part; 1937 c 158 § 4, part; RRS § 10417-3, part.]

Chapter 81.94
WHARFINGERS AND WAREHOUSEMEN

81.94.060 PUBLISHED RATES TO BE CHARGED--EXCEPTIONS. No wharfinger or warehouseman shall charge, demand, collect, or receive a greater, less or different compensation for any service rendered or to be rendered, than the rates charged applicable to such service as specified in its schedule filed and in effect at the time. Nor shall any such wharfinger or warehouseman directly or indirectly refund or remit in any manner or by any device, any portion of the rate or charge so specified, or furnish dockage, wharfage or storage or free or reduced rates except to its employees and their families and its officers, attorneys and agents; to hospitals, charitable and eleemosynary institutions and persons engaged in charitable and eleemosynary work; to indigent and destitute persons; to national homes or state homes for disabled volunteer soldiers and soldiers' and sailors' homes: PROVIDED, That the term "employees," as used in this section shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of such wharfinger or warehouseman, and the term "families," as used in this section, shall include the families of those persons named in this proviso, also the families of persons killed or dying in the service, also the families of persons killed, and the surviving spouses prior to remarriage, and the minor children during minority of persons who died while in the service of any such wharfinger or warehouseman.

No wharfinger or warehouseman shall extend to any person or corporation any form of contract or agreement, or any rule or regulation or any privilege or facility except as are regularly and uniformly extended to all persons and corporations under like circumstances. [1973 1st ex.s. c 154 § 118; 1961 c 14 § 81.94.060. Prior: 1911 c 117 § 49; RRS § 10385. Formerly RCW 22.24.050.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

TITLE 82
EXCISE TAXES

Sections added, amended, or repealed:

Chapter 82.04 Business and Occupation Tax.

82.04.050 "Sale at retail", "retail sale".

Chapter 82.08 Retail Sales Tax.

82.08.150 Tax on certain sales of intoxicating liquors.

Chapter 82.28 Tax on Certain Mechanical Devices.

82.28.010 Definitions.
82.28.020 Tax imposed—Rate.
82.28.030 Records to be preserved by owner of premises.
82.28.040 Monthly, estimated, annual, etc., returns—Remittances.
82.28.050 Tax additional—Field not pre-empted by state.
82.28.060 Administration.

Chapter 82.29 Leasehold in Lieu Excise Tax.

82.29.010 Legislative findings and recognition.
82.29.020 Definitions.
82.29.030 Tax imposed—Rate—Exemptions.
82.29.040 State departments, agencies and political subdivisions to supply assessor with accounting of leasehold estates.
82.29.050 Listing and information to be furnished county treasurer.
82.29.060 Notice of amount of tax payable.
82.29.070 Leasehold in lieu tax fund—Created—Disbursements and payments to political subdivisions and taxing districts.
82.29.080 Valuation of leasehold estates in operating properties of public utilities.
82.29.090 Rules and regulations—Administration.

Chapter 82.36 Motor Vehicle Fuel Tax.

82.36.020 Tax imposed—Rate—Allocation of proceeds.
82.36.060 Application for distributor's license—Bond or security.
82.36.070 Issuance of license—Display—Bulk storage plant license cards—Refusal of issuance of license.
82.36.270 Refund permit.
82.36.306 Remedies for violation of RCW 82.36.305—Rules—Coloring of fuel exclusively for marine use, samples may be taken.
82.36.410 Revenue to motor vehicle fund.

Chapter 82.37 Motor Vehicle Fuel Importer Tax Act.

82.37.190 Disposition of revenues.

Chapter 82.38 Special Fuel Tax Act.

82.38.030 Tax imposed—Collection.
82.38.040 Authorization of purchase without payment to bonded dealer.
82.38.080 Exemptions.
82.38.100 Trip permits.
82.38.110 Application for license and bond—Requirements.

82.38.120 Issuance of license—Refusal—Posting—Display—Duration—Transferability.

82.38.150 Monthly reports.
82.38.170 Civil and statutory penalties.
82.38.190 Procedures for claiming refunds or credits.

Chapter 82.44 Motor Vehicle Excise.

82.44.150 Distribution of motor vehicle excise fund generally. (Amendment effective June 30, 1981.)

Chapter 82.50 Mobile Homes, Travel Trailers and Campers Excise.

82.50.902 Application of chapter to mobile homes.

Cross Reference:

Higher education assistance authority, holders of bonds and notes of as exempt from taxation on under Title 82 RCW: RCW 28B.17.130.

Chapter 82.01
DEPARTMENT OF REVENUE

Cross Reference:

Gambling activities, reports to department of revenue: RCW 9.46.130.

Chapter 82.04
BUSINESS AND OCCUPATION TAX

82.04.050 "SALE AT RETAIL", "RETAIL SALE". "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a) purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale. The term shall include every sale of tangible

personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), or (c) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsection (2), and 82.04.290.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting; (d) the sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16; (e) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the

granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same; (f) the sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), and (e) above when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this paragraph shall be construed to modify the first paragraph of this section and nothing contained in the first paragraph of this section shall be construed to modify this paragraph.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal business or professional services, including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities; (a) amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

The term shall also include the renting or leasing of tangible personal property to consumers.

The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind, nor shall it include sales of feed, seed, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay. [1973 1st ex.s. c 145 § 1; 1971 ex.s. c 299 § 3; 1971 ex.s. c 281 § 1; 1970 ex.s. c 8 § 1. Prior: 1969 ex.s. c 262 § 30; 1969 ex.s. c 255 § 3; 1967 ex.s. c 149 § 4; 1965

ex.s. c 173 § 1; 1963 c 7 § 1; prior: 1961 ex.s. c 24 § 1; 1961 c 293 § 1; 1961 c 15 § 82.04.050; prior: 1959 ex.s. c 5 § 2; 1957 c 279 § 1; 1955 c 389 § 6; 1953 c 91 § 3; 1951 2nd ex.s. c 28 § 3; 1949 c 228 § 2, part; 1945 c 249 § 1, part; 1943 c 156 § 2, part; 1941 c 178 § 2, part; 1939 c 225 § 2, part; 1937 c 227 § 2, part; 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]

Effective date--1973 1st ex.s. c 145: "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 July 1, 1973." [1973 1st ex.s. c 145 § 2.]

Chapter 82.08
RETAIL SALES TAX

82.08.150 TAX ON CERTAIN SALES OF INTOXICATING LIQUORS. (1) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer in the original package at the rate of ten percent of the selling price, and the term "retail sale" as used herein shall include, in addition to the meaning ascribed thereto in chapter 82.04, any sale for resale to the holder of a class C, class F, class H or combined class C and class F license issued by the Washington state liquor control board. The tax imposed in this section shall apply to all sales of spirits, or strong beer by the Washington state liquor stores and agencies, including sales to licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales by the Washington state liquor control board stores and agencies of products subject to the tax imposed by this section.

(2) There is levied and shall be collected from and after the first day of April, 1959, an additional tax upon each retail sale of spirits, or strong beer in the original package at the rate of five percent of the selling price, and the term "retail sale" as used herein shall include the meaning ascribed thereto in chapter 82.04. The additional tax imposed in this paragraph shall apply to the sale of spirits, or strong beer by the Washington state liquor stores and agencies, excluding sales to class H licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales by the Washington state liquor control board stores and agencies of products subject to the tax imposed by this paragraph.

(3) There is levied and shall be collected from and after the first day of July, 1971, an additional tax upon each retail sale of spirits in the original package at the rate of four cents per fluid ounce or fraction thereof contained in such original package, and the term "retail sale" as used herein shall include

the meaning ascribed thereto in chapter 82.04. The additional tax imposed in this paragraph shall apply to the sale of spirits by the Washington state liquor stores and agencies, including sales to class H licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales subject to the tax imposed by this paragraph. On or before the twenty-fifth day of each month beginning with the month of July, 1961, the Washington state liquor control board shall remit to the state department of revenue, to be deposited with the state treasurer, all moneys collected by it under this paragraph during the preceding month on sales made and subject to this paragraph. Upon receipt of such moneys the state treasurer shall deposit them in the state general fund and the provisions of RCW 82.08.160 and 82.08.170, and the provisions of chapter 66.08 relating to deposits, apportionment and distribution, shall have no application to the collections under this paragraph.

(4) As used in this section, the terms, "spirits," "wine," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04. [1973 1st ex.s. c 204 § 1; 1971 ex.s. c 299 § 9; 1969 ex.s. c 21 § 11; 1965 ex.s. c 173 § 16; 1965 c 42 § 1; 1961 ex.s. c 24 § 2; 1961 c 15 § 82.08.150. Prior: 1959 ex.s. c 5 § 9; 1957 c 279 § 4; 1955 c 396 § 1; 1953 c 91 § 5; 1951 2nd ex.s. c 28 § 5.]

Effective date--1973 1st ex.s. c 204: "This 1973 amendatory 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 the first day of July, 1973." [1973 1st ex.s. c 204 § 4.] This applies to the amendments to RCW 66.24.210 and 82.08.150 by 1973 1st ex.s. c 204.

Chapter 82.28
TAX ON CERTAIN MECHANICAL DEVICES

82.28.010 DEFINITIONS. [1961 c 15 § 82.28.010. Prior: 1955 c 389 § 31; prior: 1941 c 118 § 1 (§ 97); Rem. Supp. 1941 § 8370-97.] Repealed by 1973 1st ex.s. c 218 § 29.

82.28.020 TAX IMPOSED--RATE. [1961 c 15 § 82.28.020. Prior: 1955 c 389 § 32; prior: 1949 c 228 § 18; 1947 c 248 § 1; 1941 c 118 § 1 (§ 96); Rem. Supp. 1949 § 8370-96.] Repealed by 1973 1st ex.s. c 218 § 29.

82.28.030 RECORDS TO BE PRESERVED BY OWNER OF PREMISES. [1961 c 15 § 82.28.030. Prior: 1955 c 389 § 33; prior: 1941 c 118 § 1 (§ 98); Rem. Supp. 1941 §

8370-98.] Repealed by 1973 1st ex.s. c 218 § 29.

82.28.040 MONTHLY, ESTIMATED, ANNUAL, ETC., RETURNS--REMITTANCES. [1961 c 15 § 82.28.040. Prior: 1959 c 197 § 11; 1955 c 389 § 34; prior: 1949 c 228 § 19; 1941 c 118 § 1 (§ 99); Rem. Supp. 1949 § 8370-99.] Repealed by 1973 1st ex.s. c 218 § 29.

82.28.050 TAX ADDITIONAL--FIELD NOT PREEMPTED BY STATE. [1961 c 15 § 82.28.050. Prior: 1955 c 389 § 35; prior: 1941 c 118 § 1 (§ 100); Rem. Supp. 1941 § 8370-100.] Repealed by 1973 1st ex.s. c 218 § 29.

82.28.060 ADMINISTRATION. [1961 c 15 § 82.28.060. Prior: 1955 c 389 § 36; prior: 1941 c 118 § 1 (§ 101); Rem. Supp. 1941 § 8370-101.] Repealed by 1973 1st ex.s. c 218 § 29.

Chapter 82.29
LEASEHOLD IN LIEU EXCISE TAX

Cross References:

Leasehold estates property tax exemptions: RCW 84.36.450, 84.36.455.

Valuation of leaseholds: RCW 84.40.030.

82.29.010 LEGISLATIVE FINDINGS AND RECOGNITION. The legislature hereby recognizes that properties of the state of Washington, counties, school districts, and other municipal corporations are exempted by Article 7, section 1 of the state Constitution from property tax obligations, but that such public properties when under lease to private lessees receive substantial benefits from governmental services provided by the units of local government.

The legislature further recognizes that leases of such property entered into prior to July 1, 1970, are often at a full and fair market rental predicated upon a tax obligation which was considerably less than established by the state supreme court in May of 1970 when the lessee is a nonexempt person or entity.

The legislature therefore recognizes that equity requires that provision be made to alleviate the impact of added tax obligations upon the lessee of public properties and does hereby provide certain property tax exemptions for leasehold estates contracted prior to July 1, 1970, where the lessee is paying a contract rent equal to or at least ninety percent of economic rent as defined in RCW 82.29.020 and the legislature does hereby provide for a leasehold in lieu tax to fairly compensate local governmental units for services rendered to such properties and

does hereby provide authorization for payment thereof. The legislature finds that public properties subject to leasehold estate taxation or to in lieu taxation are entitled to those same governmental services provided comparable property in private ownership. [1973 1st ex.s. c 187 § 2.]

Severability--Construction--1973 1st ex.s. c 187: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1973 amendatory act, or the application of the provision to other persons or circumstances is not affected: PROVIDED, That if the leasehold in lieu excise tax imposed by section 4 of this 1973 amendatory act is held invalid, the entirety of the act, except for section 3 and section 15, shall be null and void." [1973 1st ex.s. c 187 § 13.] This applies to chapter 82.29 RCW, to RCW 84.36.450, 84.36.455, 84.36.460, and to the amendment to RCW 84.40.030 by 1973 1st ex.s. c 187. Section 4 is codified as RCW 82.29.030, section 3 as RCW 82.29.020 and section 15 as RCW 84.36.460.

82.29.020 DEFINITIONS. As used in *this 1973 amendatory act, the following terms shall be defined as follows, unless the context otherwise requires:

(1) "Economic rent" means the rental warranted to be paid in the open real estate market based on rentals being paid for comparable leases. In the determination of "economic rent" the private rate of return and normal costs to be private sector shall be considered.

(2) "Contract rent" means the amount of consideration conveyed according to the leasehold instrument: PROVIDED, That any prepaid rent shall be considered to have been paid in the year due and not the year when paid.

(3) "Renegotiation" or "renegotiated" means the process occasioned by any situation or circumstance which results in a change in the consideration to be paid by the lessee to the lessor for any extension or renewal of a lease. [1973 1st ex.s. c 187 § 3.]

*Reviser's note: "this 1973 amendatory act" [1973 1st ex.s. c 187] consists of this chapter, RCW 84.36.450, 84.36.455, 84.36.460, and to the amendment to RCW 84.40.030 by 1973 1st ex.s. c 187.

82.29.030 TAX IMPOSED--RATE--EXEMPTIONS. There is hereby levied and shall be collected an in lieu excise tax in 1974 and in each year thereafter from each lessor of a leasehold estate which is exempted from ad valorem property taxation pursuant to RCW 84.36.450 (1). The tax shall be levied and collected in an amount equal to the value of the annual leasehold

rent collected the previous year multiplied by the rate of fourteen percent: PROVIDED, That the tax hereby levied shall not apply to leases of lands owned in fee or held in trust by the government of the United States: PROVIDED FURTHER, That the tax hereby levied shall not apply to (1) the lessor of a leasehold estate where the lessee is a body which were it to own the property in fee, said property would be exempt, (2) lessors on those leasehold estates exempted from property taxation pursuant to subsection (2) through subsection (9) of RCW 84.36.450, and (3) all leasehold estates of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in the United States; and (5) all leasehold estates held by enrolled Indians of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States. [1973 1st ex.s. c 187 § 4.]

82.29.040 STATE DEPARTMENTS, AGENCIES AND POLITICAL SUBDIVISIONS TO SUPPLY ASSESSOR WITH ACCOUNTING OF LEASEHOLD ESTATES. Each state department, agency, and political subdivision shall on or before the fifteenth day of January of each year supply an accounting of outstanding leasehold estates upon its property to the county assessor of the county in which such property is located. Such accounting shall include information describing the location, legal description, and address, if any, of the property, the name of the lessee, the amount of the leasehold rent, the date when the lease was entered, the expiration date of the lease, restrictions, if any, which detract from the value of the leasehold interest, renegotiation dates, if any, options to renew, and information about reversion of improvements. [1973 1st ex.s. c 187 § 5.]

82.29.050 LISTING AND INFORMATION TO BE FURNISHED COUNTY TREASURER. The county assessor shall determine and identify those properties which are subject to the leasehold in lieu tax imposed by RCW 82.29.030 and shall furnish and deliver to the county treasurer by the fifteenth day of February a listing of such properties with information describing the location, legal description, and address, if any, of the property, the name of the lessee, the amount of the leasehold rent, the amount of the true and fair economic rent, the expiration date of the lease, renegotiations dates, if any, and options to renew. In addition, the assessor shall provide information indicating that the situs of such property is within the unincorporated area of the county or within a particular city or town and/or within a particular school district. [1973 1st ex.s. c 187 § 6.]

82.29.060 NOTICE OF AMOUNT OF TAX PAYABLE. On or before the last day of February of each calendar year, each county treasurer shall cause to be mailed to the director of the department of revenue and to the lessors of leasehold estates subject to the in lieu tax in that county, notice of the amount of tax payable for that year which shall be due and payable to the director of the department of revenue on or before the thirtieth day of April. [1973 1st ex.s. c 187 § 7.]

82.29.070 LEASEHOLD IN LIEU TAX FUND--CREATED--DISBURSEMENTS AND PAYMENTS TO POLITICAL SUBDIVISIONS AND TAXING DISTRICTS. (1) Leasehold in lieu tax revenues received by the director of the department of revenue pursuant to RCW 82.29.060 shall be transmitted to the state treasurer, together with such information required to make the proper disbursements to counties pursuant to subsection (2) of this section, and placed in the leasehold in lieu tax fund which is hereby created.

(2) Moneys in the leasehold in lieu tax fund shall be disbursed by the state treasurer to the counties on or before the first of June of each year. Each county shall receive an amount equal to the total moneys appropriated to the leasehold in lieu tax fund for that year multiplied by a fraction, the numerator of which is the total amount of in lieu excise tax collected within that county pursuant to RCW 82.29.030 during that year, and the denominator of which is the total amount of leasehold in lieu tax collected throughout the state pursuant to RCW 82.29.030 during that year.

(3) From the amount received by each county pursuant to subsection (2) of this section there shall be paid sums as follows:

(a) Sixty percent to the school districts within the county ratably, on the basis of the amount of in lieu excise tax collected pursuant to RCW 82.29.030 from leased property situated in each school district: PROVIDED, That only one-half of such amount shall be considered as local revenues where local revenues are a factor in any formula for the determination of state aid to schools under chapter 28A.41 RCW.

(b) Twenty-five percent to each city and town within the county ratably, on the basis of the amount of in lieu excise tax collected pursuant to RCW 82.29.030 from leased property situated in each city or town.

(c) Forty percent to the county current expense fund less any amount paid to a city or town pursuant to subsection (3) (b) of this section which shall be considered a credit against the amount due the county pursuant to this subsection: PROVIDED, That the county legislative authority may allocate and deposit funds received pursuant to this subsection to the credit of the taxing districts in the

county in the manner it deems most equitable. [1973 1st ex.s. c 187 § 8.]

82.29.080 VALUATION OF LEASEHOLD ESTATES IN OPERATING PROPERTIES OF PUBLIC UTILITIES. All leasehold estates in operating properties vested in any company assessed and taxed as a public utility pursuant to chapter 84.12 RCW shall be valued by the department of revenue according to the valuation procedures set forth by the provisions of chapter 84.12 RCW. [1973 1st ex.s. c 187 § 9.]

82.29.090 RULES AND REGULATIONS—ADMINISTRATION. The department of revenue shall adopt and amend reasonable rules and regulations necessary for the administration, collection, and enforcement of the leasehold in lieu tax imposed by RCW 82.29.030 and such reasonable rules and regulations necessary to assure the uniform valuation of leasehold estates and the subsequent tax levy thereon according to the provisions of chapter 34.04 RCW (the administrative procedure act). To ensure such uniformity, the department of revenue shall prescribe the forms and methods for the determination of the assessed value of the leasehold assets which shall be the sole process of such determination: PROVIDED, That lessors subject to the tax imposed pursuant to RCW 82.29.030 shall be entitled to those remedies provided in Title 84. [1973 1st ex.s. c 187 § 10.]

Chapter 82.32
GENERAL ADMINISTRATIVE PROVISIONS

Cross Reference:

Higher education assistance authority, holders of bonds and notes of as exempt from taxation on under Title 82 RCW: RCW 28B.17.130.

Chapter 82.36
MOTOR VEHICLE FUEL TAX

82.36.020 TAX IMPOSED—RATE—ALLOCATION OF PROCEEDS (AS AMENDED BY 1973 1ST EX.S. C 124 § 2). Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the director of nine cents for each gallon of motor vehicle fuel sold, distributed, or used by him in the state as well as on each gallon upon which he has assumed liability for payment of the tax under the provisions of RCW 82.36.100: PROVIDED, That under such regulations as the director may prescribe sales or distribution of motor vehicle fuel may be made by one licensed distributor to another licensed distributor free

of the tax. In the computation of the tax, one-quarter of one percent of the net gallonage otherwise taxable shall be deducted by the distributor before computing the tax due, on account of the losses sustained through handling. The tax herein imposed shall be collected and paid to the state but once in respect to any motor vehicle fuel. An invoice shall be rendered by a distributor to a purchaser for each distribution of motor vehicle fuel.

The proceeds of the nine cents excise tax collected on the net gallonage after the deduction provided for herein shall be distributed as follows:

(1) Six and seven-eighths cents shall be distributed between the state, cities, counties, and Puget Sound ferry operations account in the motor vehicle fund under the provisions of RCW 46.68.090 and 46.68.100 as now or hereafter amended.

(2) Five-eighths of one cent shall be distributed to the state and expended pursuant to RCW 46.68.150.

(3) Five-eighths of one cent shall be paid into the motor vehicle fund and credited to the urban arterial trust account created by RCW 47.26.080.

(4) Three-eighths of one cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by RCW 47.60.350.

(5) One-half cent shall be distributed to the cities and towns directly and allocated between them as provided by RCW 46.68.110, subject to the provisions of RCW 35.76.050: PROVIDED, That the funds allocated to a city or town which are attributable to such one-half cent of the additional tax imposed by this 1961 amendatory act shall be used exclusively for the construction, improvement and repair of arterial highways as that term is defined in RCW 46.04.030, or for the payment of any municipal indebtedness which may be incurred after June 12, 1963 in the construction, improvement and repair of arterial highways as that term is defined in RCW 46.04.030. All such sums shall first be subject to proper deductions for refunds and costs of collection as provided in RCW 46.68.090. [1973 1st ex.s. c 124 § 2; 1972 ex.s. c 24 § 1; 1970 ex.s. c 85 § 3; 1967 ex.s. c 145 § 75; 1967 ex.s. c 83 § 2; 1965 ex.s. c 79 § 2; 1963 c 113 § 1; 1961 ex.s. c 7 § 1; 1961 c 15 § 82.36.020. Prior: 1957 c 247 § 1; 1955 c 207 § 1; 1951 c 269 § 43; 1949 c 220 § 7; 1939 c 177 § 2; 1933 c 58 § 5; Rem. Supp. 1949 § 8327-5; prior: 1931 c 140 § 2; 1923 c 81 § 1; 1921 c 173 § 2.]

Reviser's note: RCW 82.36.020 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

82.36.020 TAX IMPOSED—RATE—ALLOCATION OF PROCEEDS (AS AMENDED BY 1973 1ST EX.S. C 160 § 1). Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the director of nine cents for each gallon of motor vehicle fuel sold, distributed, or used by him in the state as well as on each gallon upon which he has assumed liability for payment of the tax under the provisions of RCW 82.36.100: PROVIDED, That under such regulations as the director may prescribe sales or distribution of motor vehicle fuel may be made by one licensed distributor to another licensed distributor free of the tax. In the computation of the tax, one-quarter of one percent of the net gallonage otherwise taxable shall be deducted by the distributor before computing the tax due, on account of the losses sustained through handling. The tax herein imposed shall be collected and paid to the state but once in respect to any motor vehicle fuel. An invoice shall be rendered by a distributor to a purchaser for each distribution of motor vehicle fuel.

The proceeds of the nine cents excise tax collected on the net gallonage after the deduction provided for herein shall be distributed as follows:

(1) Seven cents shall be distributed between the state, cities, counties, and Puget Sound ferry operations account in the motor vehicle fund under the provisions of RCW 46.68.090 and 46.68.100 as now or hereafter amended: PROVIDED, That from July 1, 1972 through June 30, 1976, six and seven-eighths cents shall be distributed between the state, cities, counties, and Puget Sound ferry operations account in the motor vehicle fund under the provisions of RCW 46.68.090 and 46.68.100 as now or hereafter amended.

(2) Five-eighths of one cent shall be distributed to the state and expended pursuant to RCW 46.68.150.

(3) Five-eighths of one cent shall be paid into the motor vehicle fund and credited to the urban arterial trust account created by RCW 47.26.080.

(4) One-quarter cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by RCW 47.60.350: PROVIDED, That from July 1, 1972 through June 30, 1976, three-eighths of one cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by RCW 47.60.350.

(5) One-half cent shall be distributed to the cities and towns directly and allocated between them as provided by RCW 46.68.110, subject to the provisions of RCW 35.76.050: PROVIDED, That the funds allocated to a city or town which are attributable to such one-half cent of the additional tax imposed by this 1961 amendatory act shall be used exclusively for the construction, improvement and repair of arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120, or for the payment of any

municipal indebtedness which may be incurred after June 12, 1963 in the construction, improvement and repair of arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120. All such sums shall first be subject to proper deductions for refunds and costs of collection as provided in RCW 46.68.090. [1973 1st ex.s. c 160 § 1; 1972 ex.s. c 24 § 1; 1970 ex.s. c 85 § 3; 1967 ex.s. c 145 § 75; 1967 ex.s. c 83 § 2; 1965 ex.s. c 79 § 2; 1963 c 113 § 1; 1961 ex.s. c 7 § 1; 1961 c 15 § 82.36.020. Prior: 1957 c 247 § 1; 1955 c 207 § 1; 1951 c 269 § 43; 1949 c 220 § 7; 1939 c 177 § 2; 1933 c 58 § 5; Rem. Supp. 1949 § 8327-5; prior: 1931 c 140 § 2; 1923 c 81 § 1; 1921 c 173 § 2.]

Reviser's note: RCW 82.36.020 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

82.36.060 APPLICATION FOR DISTRIBUTOR'S LICENSE—BOND OR SECURITY. Every person, before becoming a distributor or continuing in business as a distributor, shall make an application to the department for a license authorizing the applicant to engage in business as a distributor. Applications for such licenses shall be made to the department on forms to be furnished by the department, and shall be accompanied by a fee of ten dollars.

Before granting any license authorizing any person to engage in business as a distributor, the department shall require applicant to file with the department, in such form as shall be prescribed by the department, a corporate surety bond duly executed by the applicant as principal, payable to the state and conditioned for faithful performance of all the requirements of this chapter, including the payment of all taxes, penalties, and other obligations arising out of this chapter. The total amount of the bond or bonds, required of any distributor shall be fixed by the department and may be increased or reduced by the department at any time subject to the limitations herein provided. In fixing the total amount of the bond or bonds required of any distributor, the department shall require a bond or bonds equivalent in total amount to twice the estimated monthly excise tax determined in such manner as the department may deem proper. If at any time the estimated excise tax to become due during the succeeding month amounts to more than fifty percent of the established bond, the department shall require additional bonds or securities to maintain the marginal ratio herein specified or shall demand excise tax payments to be made weekly or semi-monthly to meet the requirements hereof.

In lieu of a bond in excess of five thousand dollars the distributor may file with the department a property statement setting forth a complete description of all his property and the values thereof, and showing the amount of any indebtedness or encumbrance thereon to the end that the department may ascertain whether or not the distributor can be compelled to respond in twice the amount of the taxes due or to become due hereunder. If the department determines that the distributor can be compelled to respond in twice the amount of the tax the department may accept such statement in lieu of a bond in excess of five thousand dollars. The department may at any time demand from the distributor a new property statement and may at any time if the department deems the property of the distributor insufficient to secure the payment of twice the amount of the taxes require the distributor to furnish a bond in such amount as will secure the payment of twice the amount of the taxes.

The total amount of the bond or bonds required of any distributor shall never be less than five thousand dollars nor more than fifty thousand dollars.

No recoveries on any bond or the execution of any new bond shall invalidate any bond and no revocation of any license shall effect the validity of any bond but the total recoveries under any one bond shall not exceed the amount of the bond.

In lieu of any such bond or bonds in total amount as herein fixed, a distributor may deposit with the state treasurer, under such terms and conditions as the department may prescribe, a like amount of lawful money of the United States or bonds or other obligations of the United States, the state, or any county of the state, of an actual market value not less than the amount so fixed by the department.

Any surety on a bond furnished by a distributor as provided herein shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of thirty days from the date upon which such surety has lodged with the department a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the thirty day period. The department shall promptly, upon receiving any such request, notify the distributor who furnished the bond; and unless the distributor, on or before the expiration of the thirty day period, files a new bond, or makes a deposit in accordance with the requirements of this section, the department shall forthwith cancel the distributor's license. Whenever a new bond is furnished by a distributor, the department shall cancel his old bond as soon as the department and the attorney general are satisfied that all liability under the old bond has been fully discharged.

The department may require a distributor to give a new or additional surety bond or to deposit additional securities of the character specified in this section if, in its opinion, the security of the surety bond theretofore filed by such distributor, or the market value of the properties deposited as security by the distributor, shall become impaired or inadequate; and upon the failure of the distributor to give such new or additional surety bond or to deposit additional securities within thirty days after being requested so to do by the department, the department shall forthwith cancel his license. [1973 c 96 § 1; 1961 c 15 § 82.36.060. Prior: 1933 c 58 § 2; RRS § 8327-2.]

82.36.070 ISSUANCE OF LICENSE--DIS-
PLAY--BULK STORAGE PLANT LICENSE CARDS--
REFUSAL OF ISSUANCE OF LICENSE. The application in proper form having been accepted for filing, the filing fee paid, and the bond or other security having been accepted and approved, the department shall issue to the applicant a license to transact business as a distributor in the state, and such license shall be valid until canceled or revoked.

The license so issued by the department shall not be assignable, and shall be valid only for the distributor in whose name issued.

The department shall keep and file all applications and bonds with an alphabetical index thereof, together with a record of all licensed distributors.

Each distributor shall be assigned a license number upon qualifying for a license hereunder, and the department shall issue to each such licensee a license certificate which shall be displayed conspicuously by the distributor at his principal place of business. The department shall also issue separate license cards for each bulk storage plant operated by such distributor. Such license cards shall indicate the number so assigned the distributor, the location of the storage plant for which the card is used, and such other information as the department may prescribe. The license card shall be conspicuously displayed at each bulk storage plant to which it is assigned, and it shall be unlawful for any distributor to operate or maintain a bulk storage plant in this state for the purpose of storing motor fuel without displaying such license card as herein provided. Bulk plant licenses shall be continuing until canceled or revoked. The distributor shall report on forms prescribed by the department any change in the number or capacity of bulk storage plants operated or maintained at the time such change occurs.

In the event an application for a license to transact business as a distributor is filed by any person whose license has heretofore been canceled for cause by the department, or if the department is of the opinion that the application is not

filed in good faith, or that the application is filed by some person as a subterfuge for the real person in interest whose license has heretofore been canceled for cause, the department, after a hearing, of which the applicant shall be given five days' notice in writing and at which the applicant may appear in person or by counsel and present testimony, may refuse to issue such a person a license to transact business as a distributor. [1973 c 96 § 2; 1965 ex.s. c 79 § 3; 1961 c 15 § 82.36.070. Prior: 1957 c 247 § 5; 1955 c 207 § 4; prior: 1933 c 58 § 3, part; RRS § 8327-3, part.]

82.36.270 REFUND PERMIT. Any person desiring to claim a refund shall obtain a permit from the department by application therefor on such form as the department shall prescribe, which application shall contain, among other things, the name and address of the applicant, the nature of the business and a sufficient description for identification of the machines or equipment in which the motor vehicle fuel is to be used, for which refund may be claimed under the permit. The permit shall bear a permit number and all applications for refund shall bear the number of the permit under which it is claimed. The department shall keep a permanent record of all permits issued and a cumulative record of the amount of refund claimed and paid thereunder. Such permit shall be obtained before or at the time that the first application for refund is made under the provisions of this chapter. All permits shall expire on the thirtieth day of November of every even-numbered year. [1973 c 96 § 3; 1967 c 153 § 4; 1961 c 15 § 82.36.270. Prior: 1957 c 218 § 3; prior: 1945 c 38 § 1, part; 1943 c 84 § 5, part; 1937 c 219 § 2, part; 1935 c 109 § 2, part; 1933 c 58 § 18, part; Rem. Supp. 1945 § 8327-18, part; prior: 1923 c 81 § 4, part.]

82.36.306 REMEDIES FOR VIOLATION OF RCW 82.36.305--RULES--COLORING OF FUEL EXCLUSIVELY FOR MARINE USE, SAMPLES MAY BE TAKEN. If any person who purchases motor vehicle fuel exclusive of tax under the provisions of RCW 82.36.305 uses or permits such fuel to be used for purposes other than marine use as set forth in this chapter, he shall immediately become liable for the motor vehicle fuel tax imposed thereon and shall for a period of five years thereafter become ineligible for any permit under RCW 82.36.270. The foregoing remedies shall be cumulative and no action taken pursuant thereto shall relieve any person from the penal provisions of this chapter.

The department is hereby empowered with full authority to promulgate rules and regulations and to prescribe forms necessary for the enforcement of the provisions relating to such sales and use of motor

vehicle fuel. This shall include authority to require distributors and dealers to color motor vehicle fuel so sold with a coloring matter to be prescribed and furnished without cost by the department. It shall be unlawful to use or to permit the use of the fuel so colored for any purpose other than that provided under RCW 82.36.305. The department, in order to ascertain whether the fuel so colored has been unlawfully used, may take samples of fuel from fuel tanks of motor vehicles and conduct such other examinations as it may deem necessary. [1973 c 96 § 4; 1961 c 15 § 82.36.306. Prior: 1957 c 218 § 17.]

82.36.410 REVENUE TO MOTOR VEHICLE FUND. All moneys collected by the director shall be transmitted forthwith to the state treasurer, together with a statement showing whence the moneys were derived, and shall be by him credited to the motor vehicle fund. [1973 c 95 § 5; 1961 c 15 § 82.36.410. Prior: 1933 c 58 § 20; RRS § 8327-20.]

Chapter 82.37

MOTOR VEHICLE FUEL IMPORTER TAX ACT

82.37.190 DISPOSITION OF REVENUES (AS AMENDED BY 1973 1ST EX.S. C 95 § 6). All moneys collected by the director shall be transmitted forthwith to the state treasurer, together with a statement showing whence the moneys were derived, and shall be by him credited to the motor vehicle fund.

The proceeds of the motor vehicle fuel importer use tax imposed by chapter 82.37 RCW shall be distributed in the manner provided for the distribution of the motor vehicle fuel tax in RCW 82.36.020, as amended in section 2 of chapter 83, Laws of 1967 extraordinary session. [1973 c 95 § 6; 1967 ex.s. c 83 § 5; 1963 ex.s. c 22 § 19.]

Reviser's note: RCW 82.37.190 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

82.37.190 DISPOSITION OF REVENUES (AS AMENDED BY 1973 1ST EX.S. C 124 § 3). All moneys collected by the director shall be transmitted forthwith to the state treasurer, together with a statement showing whence the moneys were derived, and shall be by him credited to the motor vehicle fund. A duplicate of such statement shall be sent to the state auditor.

The proceeds of the motor vehicle fuel importer use tax imposed by chapter 82.37 RCW shall be distributed in the manner provided for the distribution of the motor

vehicle fuel tax in RCW 82.36.020, as amended in *section 2 of this 1973 amendatory act. [1973 1st ex.s. c 124 § 3; 1967 ex.s. c 83 § 5; 1963 ex.s. c 22 § 19.]

*Reviser's note: "section 2 of this 1973 amendatory act" refers to 1973 1st ex.s. c 124 § 2.

Reviser's note: RCW 82.37.190 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

Chapter 82.38
SPECIAL FUEL TAX ACT

82.38.030 TAX IMPOSED—COLLECTION.

(1) There is hereby levied and imposed upon special fuel users a tax of nine cents per gallon or each one hundred cubic feet of compressed natural gas measured at standard pressure and temperature on the use (within the meaning of the word use as defined herein) of special fuel in any motor vehicle: PROVIDED, That in order to encourage experimentation with nonpolluting fuels, no tax shall be imposed upon the use of natural gas as herein defined or on liquified petroleum gas, commonly called propane, which is used in any motor vehicle until July 1, 1975.

(2) Said tax shall be collected by the special fuel dealer and shall be paid over to the department as hereinafter provided: (a) With respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles or into storage facilities used for the fueling of motor vehicles at unbonded service stations in this state; or (b) in all other transactions where the purchaser indicates in writing to the special fuel dealer prior to or at the time of the delivery that the entire quantity of the special fuel covered by the delivery is for use by him for a taxable purpose as a fuel in a motor vehicle.

(3) Said tax shall be paid over to the department by the special fuel user as hereinafter provided: (a) With respect to special fuel upon which the tax has not previously been imposed which was acquired in any manner other than by delivery by a special fuel dealer into a fuel supply tank of a motor vehicle in this state; or (b) in all transactions with a special fuel dealer in this state where a written statement has not been furnished to the special fuel dealer as set forth in subsection (2) (b) of this section.

It is expressly provided that delivery of special fuel may be made without collecting the tax otherwise imposed, when such deliveries are made by a bonded special fuel dealer to special fuel users who are authorized by the department as

hereinafter provided, to purchase fuel without payment of tax to the bonded special fuel dealer. [1973 1st ex.s. c 156 § 1; 1972 ex.s. c 135 § 2; 1971 ex.s. c 175 § 4.]

82.38.040 AUTHORIZATION OF PURCHASE WITHOUT PAYMENT TO BONDED DEALER. The department may issue written authorization to a special fuel user to purchase fuel from a bonded special fuel dealer designated by the special fuel user without payment of the tax to the bonded special fuel dealer when the department finds (1) that the special fuel user consistently is using the fuel in vehicles which are operated partly without this state or off the highways of this state; (2) that to require collection of the tax from the special fuel user by the bonded special fuel dealer would cause consistently recurring overpayments of the tax; and (3) that the revenue of the state with respect to the tax liability of such a special fuel user is adequately secured. Such authorization may be revoked when any one of the above conditions no longer obtains. The delivery of special fuel may be made without collecting the tax otherwise imposed when deliveries are made into vehicle refrigeration units, mixing units, or other equipment powered by separate motors from separate fuel tanks, on invoices showing the vehicle unit or license number and such other information as may be prescribed by the department. [1973 1st ex.s. c 156 § 2; 1971 ex.s. c 175 § 5.]

82.38.080 EXEMPTIONS. There is exempted from the tax imposed by this chapter, the use of fuel for: (1) street and highway construction and maintenance purposes in motor vehicles owned and operated by the state of Washington, or any county or municipality; (2) publicly owned fire fighting equipment; (3) special mobile equipment as defined in RCW 46.04.552; (4) power pumping units or other power take-off equipment of any motor vehicle which is accurately measured by metering devices that have been specifically approved by the department or which is established by either of the following formulae: (a) pumping propane, or fuel or heating oils by a power take-off unit on a delivery truck, at the rate of three-fourths of one gallon for each one thousand gallons of fuel delivered: PROVIDED, That claimant when presenting his claim to the department in accordance with the provisions of this chapter, shall provide to said claim, invoices of propane, or fuel or heating oil delivered, or such other appropriate information as may be required by the department to substantiate his claim; or (b) operating a power take-off unit on a cement mixer truck or a load compactor on a garbage truck at the rate of twenty-five percent of the total gallons of fuel used in such a truck; (5) motor vehicles owned

and operated by the United States government; and (6) notwithstanding any provision of law to the contrary, every urban passenger transportation system shall be exempt from the provisions of this chapter requiring the payment of special fuel taxes. For the purposes of this section "urban passenger transportation system" means every transportation system, publicly or privately owned, having as its principal source of revenue the income from transporting persons for compensation by means of motor vehicles and/or trackless trolleys, each having a seating capacity for over fifteen persons over prescribed routes in such a manner that the routes of such motor vehicles and/or trackless trolleys, either alone or in conjunction with routes of other such motor vehicles and/or trackless trolleys subject to routing by the same transportation system, shall not extend for a distance exceeding twenty-five road miles beyond the corporate limits of the county in which the original starting points of such motor vehicles are located: PROVIDED, That no refunds or credits shall be granted on fuel used by any urban transportation vehicle on any trip where any portion of said trip is more than twenty-five road miles beyond the corporate limits of the county in which said trip originated. [1973 c 42 § 1. Prior: 1972 ex.s. c 138 § 2; 1972 ex.s. c 49 § 1; 1971 ex.s. c 175 § 9.]

82.38.100 TRIP PERMITS. (1) Any special fuel user operating a motor vehicle into this state for commercial purposes may make application for a trip permit in lieu of a special fuel user's license required in RCW 82.38.090 which shall be good for a period of not more than twenty consecutive days beginning and ending on the dates specified on the face of the permit issued. An administrative fee of ten dollars shall be required for each permit issued plus one dollar for each consecutive day covered by such permit. Such fees shall be in lieu of the special fuel tax otherwise assessable against the permit holder for importing and using special fuel in a motor vehicle on the public highways of this state and no report of mileage shall be required with respect to such vehicle. Trip permits may be issued if the applicant does not operate motor vehicles into or from the state of Washington more than six times during any calendar year.

(2) Any special fuel user desiring to operate a motor vehicle exclusively within the state of Washington pending the receipt of a special fuel user's license as required in RCW 82.38.090 may make application for a trip permit as provided in subsection (1) of this section: PROVIDED, That only one trip permit shall be issued for the same vehicle. All fees paid for such trip permit shall be in lieu of any special fuel tax otherwise due by the

applicant for using special fuel in a motor vehicle on the public highways of this state and no report of mileage shall be required for the operation of the vehicle for the period for which the trip permit was issued.

(3) All fees collected by the department under the provisions of subsections (1) and (2) of this section shall be credited and deposited in the same manner as the special fuel tax collected hereunder and shall not be subject to refund or credit. [1973 1st ex.s. c 156 § 3; 1971 ex.s. c 175 § 11.]

82.38.110 APPLICATION FOR LICENSE AND BOND--REQUIREMENTS. Application for a special fuel dealer's license, special fuel supplier's license or a special fuel user's license, shall be made to the department. The application shall be filed upon a form prepared and furnished by the department and shall contain such information as the department deems necessary.

No special fuel dealer's license or special fuel user's license shall be issued to any person or continued in force unless such person has furnished bond, as defined in RCW 82.38.020, in such form as the department may require, to secure his compliance with this chapter, and the payment of any and all taxes, interest and penalties due and to become due hereunder. The requirement of furnishing a bond shall be waived provided all acquisitions of special fuel by the licensee are on a tax paid or a tax exempt basis.

The total amount of the bond or bonds required of any special fuel dealer or special fuel user shall be equivalent to twice his estimated monthly license tax, determined in such manner as the department may deem proper: PROVIDED, That the total amount of the bond or bonds shall never be less than five hundred dollars nor more than fifty thousand dollars.

Any person who has filed with the department a bond as a motor vehicle fuel distributor under the terms and conditions provided for in RCW 82.36.060, may extend the terms and conditions of said distributor's bond, by an approved rider or bond form, to include coverage of all liabilities and conditions imposed by this chapter upon the special fuel dealer or to the special fuel user to whom said extension is made applicable. The amount of any new bond that may be required of a dealer or user shall not exceed the maximum amount provided by RCW 82.36.060 for a motor vehicle fuel distributor's license. [1973 1st ex.s. c 156 § 4; 1971 ex.s. c 175 § 12.]

82.38.120 ISSUANCE OF LICENSE--REFUSAL--POSTING--DISPLAY--DURATION--TRANSFERABILITY. Upon receipt and approval of an application and bond (if required), the department shall issue to the applicant a

license to act as a special fuel dealer, a special fuel supplier, or a special fuel user: PROVIDED, That the department may refuse to issue a special fuel dealer's license, special fuel supplier's license, or a special fuel user's license to any person (1) who formerly held either type of license which, prior to the time of filing for application, has been revoked for cause; or (2) who is a subterfuge for the real party in interest whose license prior to the time of filing for application, has been revoked for cause; or (3) upon other sufficient cause being shown. Before such refusal, the department shall grant the applicant a hearing and shall grant him at least five days written notice of the time and place thereof.

The department shall determine from the information shown in the application or other investigation the kind and class of license to be issued.

All licenses shall be posted in a conspicuous place or kept available for inspection at the principal place of business of the owner thereof. License holders shall reproduce the license by photostat or other method and keep a copy on display for ready inspection at each additional place of business or other place of storage from which special fuel is sold, delivered or used and in each motor vehicle used by the license holder to transport special fuel purchased by him for resale, delivery or use. Every special fuel user and consumer of special fuel used to propel motor vehicles upon the highways of this state shall reproduce the license and carry a photocopy thereof with each motor vehicle being operated upon the highways of this state.

A special fuel dealer or a special fuel supplier may use special fuel in motor vehicles owned or operated by them without securing a license as a special fuel user but they shall be subject to all other conditions, requirements and liabilities imposed herein upon a special fuel user.

The department shall furnish to each licensed special fuel supplier a list showing the name and address of each bonded special fuel dealer as of the beginning of each fiscal year, and shall thereafter during each year supplement such list monthly.

Each special fuel dealer's license, special fuel supplier's license, and special fuel user's license shall be valid until suspended or revoked for cause or otherwise canceled.

No special fuel dealer's license, special fuel supplier's license, or special fuel user's license shall be transferable. [1973 1st ex.s. c 156 § 5; 1971 ex.s. c 175 § 13.]

82.38.150 MONTHLY REPORTS. For the purpose of determining the amount of his liability for the tax herein imposed each special fuel dealer and each special fuel user shall file with the department, on

forms prescribed by the department, a monthly tax report. A report shall be filed with the department for each calendar month, even though no special fuel was used, or tax is due, for the calendar month. Such report shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the report and shall be in lieu of such verification. The report shall show such information as the department may reasonably require for the proper administration and enforcement of this chapter: PROVIDED, That if a special fuel dealer or special fuel user is also a special fuel supplier at a location where special fuel is delivered into the supply tank of a motor vehicle, and if separate storage is provided thereat from which special fuel is delivered or placed into fuel supply tanks of motor vehicles, the monthly report to the department need not include inventory control data covering bulk storage from which wholesale distribution of special fuel is made. The special fuel dealer or special fuel user shall file the report on or before the twenty-fifth day of the next succeeding calendar month following the monthly period to which it relates.

If the final filing date falls on a Saturday, Sunday or legal holiday the next secular or business day shall be the final filing date. Such reports shall be considered filed or received on the date shown by the post office cancellation mark stamped upon an envelope containing such report properly addressed to the department, or on the date it was mailed if proof satisfactory to the department is available to establish the date it was mailed.

Any person whose sole use of special fuel is for the propulsion of a privately operated passenger automobile is exempt from the filing of a special fuel tax report on the condition that all fuel used in this state, except fuel brought into this state in the fuel tank of the vehicle, is purchased from a special fuel dealer in this state who collects the tax from the user when delivering the fuel into the fuel tank of the user's automobile. For the purposes of this chapter, "privately operated passenger automobile" includes passenger cars as that term is defined in RCW 46.04.382, and such light trucks and other noncommercial vehicles as may be defined as such by rules and regulations adopted by the department. A special fuel user may be relieved of the filing of the tax report even though he operates more than one passenger automobile using special fuel, whether or not such automobiles are used for pleasure or in a business or profession, providing that the user is not also using such fuel in other motor vehicles which are not privately operated passenger automobiles.

Notwithstanding that a special fuel user's sole use of such special fuel is in a privately operated automobile, he shall continue to file the tax report if he is using such special fuels from bulk storage of special fuel on which the tax has not been paid at the time of purchase or acquisition.

The department may relieve any holder of a valid special fuel users license from the requirement of filing returns under this section when he has established to its satisfaction (1) that such user's vehicles are operated exclusively within the boundaries of this state; (2) that his purchases of special fuel are made exclusively from special fuel dealers holding valid licenses under this chapter; (3) that he does not acquire special fuel in any manner or for any purpose whereby payment of tax or undertaking therefor is not made to a special fuel dealer at time of purchase; and (4) that he maintains adequate records subject to audit.

The department, if it deems it necessary in order to insure payment of the tax imposed by this chapter, or to facilitate the administration of this chapter, shall have the authority to require the filing of reports and tax remittances at shorter intervals than one month if, in its opinion, an existing bond has become insufficient.

The department may permit any special fuel user whose sole use of special fuel is in motor vehicles or equipment exempt from tax as provided in RCW 82.38.030 (1) and RCW 82.38.080 (1), (2), (3) and (6), in lieu of the reports required in this section, to submit reports annually or as requested by the department, in such form as the department may require. [1973 1st ex.s. c 156 § 6; 1971 ex.s. c 175 § 16.]

82.38.170 CIVIL AND STATUTORY PENALTIES. (1) If any special fuel dealer or special fuel user fails to pay any taxes collected or due the state of Washington by said dealer or user within the time prescribed by RCW 82.38.150, said dealer or user shall pay in addition to such tax a penalty of ten percent of the amount thereof plus interest at the rate of one percent per month, or fraction thereof, from the date such tax was due until paid.

(2) If it be determined by the department that the tax reported by any special fuel dealer or special fuel user is deficient it shall proceed to assess the deficiency on the basis of information available to it and there shall be added to this deficiency a penalty of ten percent of the amount of the deficiency together with interest at the rate of one percent per month, or fraction thereof, from the date the report was due until paid.

(3) If any special fuel dealer or special fuel user, whether or not he is licensed as such, fails, neglects, or refuses to file a special fuel tax report,

the department shall, on the basis of information available to it, determine the tax liability of the special fuel dealer or the special fuel user for the period during which no report was filed, and to the tax as thus determined, the department shall add the penalty and interest provided in subsection (2) of this section. An assessment made by the department pursuant to this subsection or to subsection (2) of this section shall be presumed to be correct, and in any case where the validity of the assessment is drawn in question, the burden shall be on the person who challenges the assessment to establish by a fair preponderance of the evidence that it is erroneous or excessive as the case may be.

(4) If any special fuel dealer or special fuel user shall establish by a fair preponderance of evidence that his failure to file a report or pay the proper amount of tax within the time prescribed was due to reasonable cause and was not intentional or wilful, the department may waive the penalty prescribed in subsections (1), (2), and (3) of this section.

(5) If any special fuel dealer or special fuel user shall file a false or fraudulent report with intent to evade the tax imposed by this chapter, there shall be added to the amount of deficiency determined by the department a penalty equal to twenty-five percent of the deficiency together with interest at one percent per month, or fraction thereof, on such deficiency from the date such tax was due to the date of payment, in addition to the penalty provided in subsection (2) of this section and all other penalties prescribed by law.

(6) Except in the case of a fraudulent report or of neglect or refusal to make a report, every deficiency shall be assessed under subsection (2) of this section within three years from the twenty-fifth day of the next succeeding calendar month following the monthly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires the later.

(7) Any special fuel dealer or special fuel user against whom an assessment is made under the provisions of subsections (2) or (3) of this section may petition for a reassessment thereof within thirty days after service upon the special fuel dealer or special fuel user of notice thereof. If such petition is not filed within such thirty day period, the amount of the assessment becomes final at the expiration thereof.

If a petition for reassessment is filed within the thirty day period, the department shall reconsider the assessment and, if the special fuel dealer or special fuel user has so requested in his petition, shall grant such special fuel dealer or special fuel user an oral hearing and give the special fuel dealer or special fuel user ten days' notice of the time and

place thereof. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment shall become final thirty days after service upon the special fuel dealer or special fuel user of notice thereof.

Every assessment made by the department shall become due and payable at the time it becomes final and if not paid to the department when due and payable, there shall be added thereto a penalty of ten percent of the amount of the tax.

(8) Any notice of assessment required by this section shall be served personally or by mail; if by mail, service shall be made by depositing such notice in the United States mail, postage prepaid addressed to the special fuel dealer or special fuel user at his address as the same appears in the records of the department. [1973 1st ex.s. c 156 § 7; 1972 ex.s. c 138 § 3; 1971 ex.s. c 175 § 18.]

82.38.190 PROCEDURES FOR CLAIMING REFUNDS OR CREDITS. (1) Claims under RCW 82.38.180 shall be filed with the department on forms prescribed by the department and shall show the date of filing and the period covered in the claim, the number of gallons of special fuel used for purposes subject to tax refund, and such other facts and information as may be required. Every such claim shall be supported by an invoice or invoices issued to or by the claimant, as may be prescribed by the department, and such other information as the department may require.

(2) Any amount determined to be refundable by the department under RCW 82.38.180 shall first be credited on any amounts then due and payable from the special fuel dealer or special fuel user or to any person to whom the refund is due, and the department shall then certify the balance thereof to the state treasurer, who shall thereupon draw his warrant for such certified amount to such special fuel dealer or special fuel user or any person: PROVIDED, HOWEVER, That the department shall deduct fifty cents from all such refunds as a filing fee, which fee shall be deducted from the warrant issued in payment of such refund to defray expenses in furnishing the claim forms and other forms provided for in this chapter.

(3) No refund or credit shall be approved by the department unless a written claim for refund or credit stating the specific grounds upon which the claim is founded is filed with the department:

(a) Within thirteen months from the date of purchase or from the last day of the month following the close of the monthly period for which the refundable amount or credit is due with respect to refunds or credits allowable under RCW 82.38.180, subsections (1), (2), (4) and (5), and if not filed within this period the right to refund shall be forever barred.

(b) Within three years from the last day of the month following the close of the monthly period for which the overpayment is due with respect to the refunds or credits allowable under RCW 82.38.180 (3).

(4) Within thirty days after disallowing any claim in whole or in part, the department shall serve written notice of its action on the claimant.

(5) Interest shall be paid upon any refundable amount or credit due under RCW 82.38.180 (3) at the rate of one percent per month from the last day of the calendar month following the monthly period for which the refundable amount or credit is due.

The interest shall be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the department that a claim may be filed or the date upon which the claim is approved by the department, whichever date is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

If the department determines that any overpayment has been made intentionally or by reason of carelessness, it shall not allow any interest thereon.

(6) No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against this state or against any officer of the state to prevent or enjoin the collection under this chapter of any tax or any amount of tax required to be collected. [1973 1st ex.s. c 156 § 8; 1972 ex.s. c 138 § 5; 1971 ex.s. c 175 § 20.]

Chapter 82.44 MOTOR VEHICLE EXCISE

82.44.150 DISTRIBUTION OF MOTOR VEHICLE EXCISE FUND GENERALLY. (AMENDMENT EFFECTIVE JUNE 30, 1981.) (1) On the first day of the months of January, April, July, and October of each year, the state treasurer shall make the following apportionment and distribution of all moneys remaining in the motor vehicle excise fund: PROVIDED, That the July apportionment shall be credited to the fiscal year in which the collections are made: A sum equal to seventeen percent thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth; a sum equal to eighty-one and thirty-four one hundredths percent of all motor vehicle excise tax receipts shall be allocable to the state school equalization fund and credited and transferred each year in the following order of priority:

(a) The amount required and certified by the state finance committee each year as being necessary for payment of principal

of and interest on bonds authorized by chapter 26, Laws of 1963 extraordinary session in the ensuing twelve months and any additional amounts required by the covenants of such bonds shall be transferred to the 1963 public school building bond retirement fund.

(b) Any remaining amounts from the motor vehicle excise taxes not required for debt service on the above bond issues shall be transferred and credited to the general fund.

(2) Any amounts remaining in the motor vehicle excise fund after making the distributions provided for in subsection (1) of this section shall be transferred to the general fund.

(3) The amount payable to cities and towns shall be apportioned among the several cities and towns within the state ratably, on the basis of the population as last determined by the board.

(4) When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise. In case it be adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund. [1973 1st ex.s. c 136 § 5; 1972 ex.s. c 87 § 1. Prior: 1971 ex.s. c 199 § 2; 1971 ex.s. c 80 § 1; 1969 ex.s. c 255 § 15; 1961 c 15 § 82.44.150; prior: 1957 c 175 § 12; 1945 c 152 § 5; 1943 c 144 § 14; Rem. Supp. 1945 § 6312-128.]

Severability—Effective dates—1973 1st ex.s. c 136: See notes following RCW 35.58.273.

Chapter 82.50
MOBILE HOMES, TRAVEL TRAILERS AND CAMPERS
EXCISE

82.50.902 APPLICATION OF CHAPTER TO MOBILE HOMES. The provisions of chapter 82.50 RCW shall remain applicable to mobile homes through December 31, 1972. All mobile homes subject to the property tax shall be listed and assessed for the first time on January 1, 1972 and such tax shall be paid during 1973 in accordance with the laws of this state: PROVIDED, HOWEVER, That no such mobile home shall be taxed more than one time, whether excise or property tax, in any one year by distraint, "quick-collect" or otherwise, unless the mobile home is to be moved to a location not within the state of Washington: AND PROVIDED FURTHER, That

this 1973 amendment shall operate retroactively as if enacted originally with section 73, chapter 299, Laws of 1971 extraordinary session. [1973 c 103 § 5; 1971 ex.s. c 299 § 73.]

TITLE 83
INHERITANCE AND GIFT TAXES

Sections added, amended, or repealed:

Chapter 83.16 Valuations, Credits, and Exemptions.

83.16.025 Estate consisting of trust with life estate and remainder—Invasion of corpus—Reduction of deferred tax, security.

Chapter 83.20 Legacies, Transfers, Pension Benefits—Exemptions.
(Formerly Legacies and Transfers Exempt From Inheritance Tax.)

83.20.030 Public pension benefits.
83.20.030 Public pension benefits. (Effective July 1, 1974.)
83.20.040 Pension benefits qualified for federal estate tax exemption.

Chapter 83.56 Gift Taxes.

83.56.050 Annual exclusion of three thousand dollars.

Chapter 83.16
VALUATIONS, CREDITS, AND EXEMPTIONS

83.16.025 ESTATE CONSISTING OF TRUST WITH LIFE ESTATE AND REMAINDER—INVASION OF CORPUS—REDUCTION OF DEFERRED TAX, SECURITY. When the estate consists of a trust with a life estate in the surviving spouse and a remainder and the surviving spouse has the power to invade the corpus of the trust and where payment of a tax has been deferred on the beneficial interest in a remainder pursuant to RCW 83.16.020, the surviving spouse shall pay tax on the invasion within sixty days of the receipt thereof and shall receive a reduction of the deferred tax and a reduction of the bond or return of security filed to the extent the surviving spouse by exercise of the power to invade the corpus reduces the remainder. The surviving spouse may not file a claim for such reduction with the department more often than once each calendar year. The amount of the reduction shall be determined by applying to the value of the remainder interest at date of death a fraction the numerator of which is the present amount of the reduction of the remainder and denominator of which is the present amount of the remainder. [1973 1st ex.s. c 127 § 1.]

Chapter 83.20
LEGACIES, TRANSFERS, PENSION
BENEFITS—EXEMPTIONS

(FORMERLY: LEGACIES AND TRANSFERS EXEMPT
FROM INHERITANCE TAX)

83.20.030 PUBLIC PENSION BENEFITS (AS AMENDED BY 1973 1ST EX.S. C 221 § 1). The right of a person to a pension, annuity or retirement allowance, any optional benefit, any other right accrued or accruing to any person under Title 41 RCW or under any retirement or pension system established by city ordinance, or established pursuant to RCW 54.04.050 (2) shall be exempt from inheritance tax. [1973 1st ex.s. c 221 § 1; 1965 ex.s. c 8 § 1.]

Reviser's note: RCW 83.20.030 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

83.20.030 PUBLIC PENSION BENEFITS (AS AMENDED BY 1973 1ST EX.S. C 149 § 6). (EFFECTIVE JULY 1, 1974.) The right of a person to a pension, annuity or retirement allowance, any optional benefit, any other right accrued or accruing to any person under Title 41 RCW or under any retirement or pension system established or in effect for faculty or employees at institutions of higher education, including private institutions of higher education, shall be exempt from inheritance tax. [1973 1st ex.s. c 149 § 6; 1965 ex.s. c 8 § 1.]

Severability—Appropriation—Effective date—1973 1st ex.s. c 149: See notes following RCW 28B.10.400.

Reviser's note: RCW 83.20.030 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

83.20.040 PENSION BENEFITS QUALIFIED FOR FEDERAL ESTATE TAX EXEMPTION. The right of a person (other than executor) to a pension, annuity or retirement allowance, any optional benefit, or any other right accrued or accruing to any person under any pension plan, annuity, retirement allowance or benefit where such pension plan, annuity, retirement allowance or benefit would qualify for exemption from federal estate taxes pursuant to section 2039 (c) or 2039(d) of the internal revenue code of 1954 shall be exempt from inheritance tax. [1973 1st ex.s. c 221 § 2.]

Chapter 83.56
GIFT TAXES

83.56.050 ANNUAL EXCLUSION OF THREE THOUSAND DOLLARS. (1) In the case of gifts, other than of future interests in property, made to any person by the donor during any calendar year, the first three thousand dollars of such gifts to such person or body politic or corporate shall not, for the purpose of this chapter, be included in the total amount of gifts made during such year.

(2) No part of a gift to an individual who has not attained the age of twenty-one years on the date of the transfer shall be considered a gift of a future interest in property for the purposes of subsection (1) of this section if the property and the income therefrom:

(a) May be expended by or for the benefit of, the donee before his attaining the age of twenty-one years; and

(b) Will to the extent not so expended: (i) pass to the donee on his attaining the age of twenty-one years; and

(ii) in the event the donee dies before attaining the age of twenty-one years, be payable to the estate of the donee, or as he may appoint under a general power of appointment. [1973 1st ex.s. c 146 § 1; 1971 ex.s. c 292 § 69; 1965 ex.s. c 67 § 1; 1961 c 15 § 83.56.050. Prior: 1945 c 206 § 2, part; 1941 c 119 § 4, part; Rem. Supp. 1945 § 11218-14, part.]

TITLE 84
PROPERTY TAXES

Sections added, amended, or repealed:

Chapter 84.04 Definitions.

84.04.140 "Regular property taxes", "regular property tax levies".

Chapter 84.08 General Powers and Duties of Department of Revenue.

84.08.050 Additional powers—Access to books and records—Hearings—Investigation of complaints.

Chapter 84.12 Assessment and Taxation of Public Utilities.

84.12.240 Access to books and records.

Chapter 84.16 Assessment and Taxation of Private Car Companies.

84.16.032 Access to books and records.

Chapter 84.28 Reforestation Lands.

84.28.090 Basis of assessment prescribed.

Chapter 84.33 Timber and Forest Lands.

- 84.33.050 Valuation—Timber roll—Base years—Calculation of assessed valuation.
- 84.33.060 Calculation and fixing of dollar rates for regular and excess levies.
- 84.33.080 Schedule of value of timber on timber roll, aggregate dollar rates and "timber factor"—Schedule of value of timber harvested, aggregate dollar rates and "harvest factor"—Transfers between timber tax funds—Payments.
- 84.33.140 Forest land valuation—Notation of upon assessment and tax rolls—Removal of designation—Compensating tax.
- Chapter 84.34 Open Space, Agricultural, and Timber Lands—Current Use Assessment—Conservation Futures.
- 84.34.010 Legislative declaration.
- 84.34.020 Definitions.
- 84.34.030 Applications for current use classification—Forms—Fee—Times for making.
- 84.34.035 Applications for current use classification—Approval or denial—Appeal—Duties of assessor upon approval.
- 84.34.037 Applications for current use classification—To whom made—Factors—Review.
- 84.34.040 Referral of application to proper legislative body—Approval or disapproval—Factors—Review.
- 84.34.050 Notice of approval or disapproval—Procedure when approval granted.
- 84.34.060 Determination of true and fair value of classified land—Computation of assessed value.
- 84.34.065 Determination of true and fair value of farm and agricultural land—Computation—Definitions.
- 84.34.070 Withdrawal from classification.
- 84.34.080 Change in use.
- 84.34.108 Removal of designation—Factors—Additional tax—Lien—Delinquencies—Exemptions.
- 84.34.110 Remedies available to owner liable for additional tax.
- 84.34.111 Remedies available to owner liable for additional tax.
- 84.34.120 Reports required.
- 84.34.121 Information required.
- 84.34.130 Valuation of timber not affected.
- 84.34.131 Valuation of timber not affected.
- 84.34.140 Rules and regulations.
- 84.34.141 Rules and regulations.
- 84.34.145 Advisory committee.
- 84.34.150 Reclassification of land classified under prior law which meets definition of farm and agricultural land.
- 84.34.155 Reclassification of land classified as timber land which meets definition of forest land under chapter 84.33 RCW.
- 84.34.160 Information on current use classification—Publication and dissemination.
- 84.34.230 Acquisition of open space, etc., land or rights to future development by counties, cities or metropolitan municipal corporations—Property tax levy authorized. (Effective until January 1, 1974.)
- 84.34.230 Acquisition of open space, etc., land or rights to future development by counties, cities or metropolitan municipal corporations—Property tax levy authorized.
- 84.34.921 Severability—1973 1st ex.s. c 212.
- Chapter 84.36 Exemptions.
- 84.36.020 Cemeteries, churches, parsonages, convents and grounds.
- 84.36.030 Property used for character building, benevolent, protective or rehabilitative social services—Camp facilities—Veteran or relief organization owned property—Rental, effect.
- 84.36.040 Libraries, orphanages, day care centers, nursing homes, hospitals.
- 84.36.050 Schools and colleges.
- 84.36.060 Art, scientific and historical collections and property used to maintain, etc. such collections, fire companies, humane societies.
- 84.36.120 Household goods and personal effects—Definitions.
- 84.36.260 Property used for conservation of ecological systems or natural resources, scientific research.
- 84.36.262 Cessation of use giving rise to exemption.
- 84.36.264 Application for exemption under RCW 84.36.260.
- 84.36.270 Real property beneath air space dedicated to public body for stadium facilities.
- 84.36.300 Stocks of merchandise, goods, wares or material—Aircraft parts, etc.—When eligible for exemption.
- 84.36.301 Legislative finding and declaration.
- 84.36.370 Residences—Exemption from percentage of taxes due to excess levies, regular property tax levies—Qualifications—Schedule.
- 84.36.450 Leasehold estates exemption.
- 84.36.455 Leasehold estates and educational facilities exemption—Effective in the event leasehold in lieu excise taxes held invalid.

- 84.36.460 Improvements owned or being acquired by sublessee taxable to such sublessee.
- GENERAL PROVISIONS
- 84.36.800 Definitions.
- 84.36.805 Conditions for obtaining exemptions by nonprofit organizations, associations or corporations.
- 84.36.810 Cessation of use under which exemption granted.
- 84.36.815 Application for exemption—Required—Filing—Renewal—Signature—Due date.
- 84.36.820 Application forms to be mailed to owners of exempt property—Failure to file before due date, effect.
- 84.36.825 Application fee—Applications for 1974 considered initial applications.
- 84.36.830 Review of applications for exemption—Procedure—Approval or denial—Notice.
- 84.36.835 List of exempt properties to be prepared and furnished each county assessor.
- 84.36.840 Statements—Reports—Information—Filing—Requirements.
- 84.36.845 Revocation of exemption approved or renewed due to inaccurate information.
- 84.36.850 Review—Appeals.
- 84.36.855 Property changing from exempt to taxable status—Procedure.
- 84.36.860 Public notice of provisions of act.
- 84.36.865 Rules and regulations.
- 84.36.900 Severability—1973 2nd ex.s. c 40.
- 84.36.905 Effective date—Construction—1973 2nd ex.s. c 40.
- Chapter 84.40 Listing of Property.
- 84.40.020 Assessment date—Average inventory basis may be used—Public inspection of listing, documents and records.
- 84.40.030 Basis of valuation—Criterion of value—Factors—Growing crops excluded—Mines, quarries—Leasehold estates.
- 84.40.040 Time and manner of listing.
- 84.40.080 Listing omitted property or improvements.
- 84.40.085 Limitation period for assessment of omitted property or value—Notification to taxpayer of omission—Procedure.
- 84.40.320 Detail and assessment lists to board of equalization.
- 84.40.340 Verification by assessor of any list, statement, or schedule—Confidentiality, penalty.
- Chapter 84.48 Equalization of Assessments.
- 84.48.080 Equalization of assessments—Taxes for state purposes—Procedure—Levy and apportionment—Record.
- 84.48.085 Equalization of valuations—Procedure.
- 84.48.110 Transcript of proceedings to county assessors—Delinquent tax for seventh preceding year included.
- 84.48.150 Valuation criteria including comparative sales to be made available to taxpayers.
- Chapter 84.52 Levy of Taxes.
- 84.52.010 How levied—Effect of constitutional limitation. (Effective until January 1, 1974.)
- 84.52.010 How levied—Effect of constitutional limitation.
- 84.52.042 Limitations upon regular property tax levies. (Effective until January 1, 1974.)
- 84.52.043 Limitations upon regular property tax levies. (Effective January 1, 1974.)
- 84.52.050 Limitation of levies.
- 84.52.052 Excess levies authorized—When—Procedure. (Effective until January 1, 1974.)
- 84.52.052 Excess levies authorized—When—Procedure.
- 84.52.054 Excess levies—Ballot contents—Eventual dollar rate on tax rolls.
- 84.52.056 Excess levies for capital purposes authorized. (Effective until January 1, 1974.)
- 84.52.056 Excess levies for capital purposes authorized.
- 84.52.061 Taxing district excess levies authorized by provisions of other law. (Effective until January 1, 1974.)
- 84.52.061 Taxing district excess levies authorized by provisions of other law. (Repeal effective January 1, 1974.)
- 84.52.063 Rural library district levies. (Effective until January 1, 1974.)
- 84.52.063 Rural library district levies.
- 84.52.065 State levy for support of common schools.
- Chapter 84.54 Additional Limitations on Regular Property Tax Revenues.
- 84.54.020 Limitations on regular property tax levy.
- Chapter 84.55 Limitations Upon Regular Property Taxes.
- 84.55.010 Limitations prescribed—Restoration of regular levy. (Expires December 31, 1978.)
- 84.55.030 Limitation upon first levy following annexation.

- 84.55.040 Increase in statutory millage limitation. (Effective until January 1, 1974.)
- 84.55.040 Increase in statutory dollar rate limitation.
- 84.55.050 Election to authorize increase in regular property tax levy-- Procedure.

Chapter 84.56 Collection of Taxes.

- 84.56.180 Transient trader, taxation of merchandise of.
- 84.56.230 Monthly distribution of taxes collected.
- 84.56.300 Annual report of collections to county auditor.

Chapter 84.69 Refunds.

- 84.69.050 Refund with respect to amounts paid state.
- 84.69.060 Refunds with respect to county and state taxes.
- 84.69.070 Refunds with respect to taxing districts--Administrative expenses--Disposition of funds upon expiration of refund orders.
- 84.69.100 Refunds shall include interest--Written protests not required.

Chapter 84.04
DEFINITIONS

84.04.140 "REGULAR PROPERTY TAXES", "REGULAR PROPERTY TAX LEVIES". The term "regular property taxes" and the term "regular property tax levy" shall mean a property tax levy by or for a taxing district which levy is subject to the aggregate limitation set forth in RCW 84.52.043 and RCW 84.52.050, as now or hereafter amended, or which is imposed by or for a port district or a public utility district. [1973 1st ex.s. c 195 § 88; 1971 ex.s. c 288 § 13.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 84.08
GENERAL POWERS AND DUTIES OF
DEPARTMENT OF REVENUE

84.08.050 ADDITIONAL POWERS--ACCESS TO BOOKS AND RECORDS--HEARINGS--INVESTIGATION OF COMPLAINTS. The department of revenue shall:

(1) Require individuals, partnerships, companies, associations and corporations to furnish information as to their capital, funded debts, investments, value of property, earnings, taxes and all other facts called for on these subjects so that

the department may determine the taxable value of any property or any other fact it may consider necessary to carry out any duties now or hereafter imposed upon it, or may ascertain the relative burdens borne by all kinds and classes of property within the state, and for these purposes their records, books, accounts, papers and memoranda shall be subject to production and inspection, investigation and examination by said department, or any employee thereof designated by said department for such purpose, and any or all real and/or personal property in this state shall be subject to visitation, investigation, examination and/or listing at any and all times by the department or by any employee thereof designated by said department.

(2) Summon witnesses to appear and testify on the subject of capital, funded debts, investments, value of property, earnings, taxes, and all other facts called for on these subjects, or upon any matter deemed material to the proper assessment of property, or to the investigation of the system of taxation, or the expenditure of public funds for state, county, district and municipal purposes: PROVIDED, HOWEVER, No person shall be required to testify outside of the county in which the taxpayer's residence, office or principal place of business, as the case may be, is located. Such summons shall be served in like manner as a subpoena issued out of the superior court and be served by the sheriff of the proper county, and such service certified by him to said department without compensation therefor. Persons appearing before said department in obedience to a summons shall in the discretion of the department receive the same compensation as witnesses in the superior court.

Any member of the department or any employee thereof designated for that purpose may administer oaths to witnesses.

In case any witness shall fail to obey the summons to appear, or refuse to testify, or shall fail or refuse to comply with any of the provisions of subsections (1) and (2) of this section, such person, for each separate or repeated offense, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars, nor more than five thousand dollars. Any person who shall testify falsely shall be guilty of and shall be punished for perjury.

(3) Thoroughly investigate all complaints which may be made to it of illegal, unjust or excessive taxation, and shall endeavor to ascertain to what extent and in what manner, if at all, the present system is inequal or oppressive. [1973 c 95 § 8; 1961 c 15 § 84.08.050. Prior: 1939 c 206 § 5, part; 1935 c 127 § 1, part; 1921 c 7 §§ 50, 53; 1907 c 220 § 1, part; 1905 c 115 § 2, part; BRS § 11091 (second), part.]

Chapter 84.12
ASSESSMENT AND TAXATION OF PUBLIC
UTILITIES

84.12.240 ACCESS TO BOOKS AND RECORDS. The department of revenue shall have access to all books, papers, documents, statements and accounts on file or of record in any of the departments of the state; and it shall have the power to issue subpoenas, signed by a member of the department and served in a like manner as a subpoena issued from courts of record, to compel witnesses to appear and give evidence and to produce books and papers. Any member of the department, or the secretary thereof, or any employee officially designated by the department is authorized to administer oaths to witnesses. The attendance of any witness may be compelled by attachment issued out of any superior court upon application to said court by any member of the department, upon a proper showing that such witness has been duly served with a subpoena and has refused to appear before the said department. In case of the refusal of a witness to produce books, papers, documents, or accounts, or to give evidence on matters material to the hearing, the department or any member thereof may institute proceedings in the proper superior court to compel such witness to testify or to produce such books or papers, and to punish him for such failure or refusal. All process issued by the department shall be served by the sheriff of the proper county or by a duly authorized agent of the department and such service, if made by the sheriff, shall be certified by him to the commission without any compensation therefor. Persons appearing before the department in obedience to a subpoena shall receive the same compensation as witnesses in the superior court. The records, books, accounts and papers of each company shall be subject to visitation, investigation or examination by the department, or any employee thereof officially designated by the department. All real and/or personal property of any company shall be subject to visitation, investigation, examination and/or listing at any and all times by the department, or any person officially designated by the director. [1973 c 95 § 9; 1961 c 15 § 84.12.240. Prior: 1935 c 123 § 4; 1925 ex.s. c 130 § 37; 1907 c 131 § 3; 1907 c 78 § 3; RRS § 11156-4. Formerly RCW 84.12.080.]

Chapter 84.16
ASSESSMENT AND TAXATION OF PRIVATE CAR
COMPANIES

84.16.032 ACCESS TO BOOKS AND RECORDS. The department of revenue shall have access to all books, papers, documents, statements and accounts on file or of

record in any of the departments of the state; and shall have the power, by summons signed by director and served in a like manner as a subpoena issued from courts of record, to compel witnesses to appear and give evidence and to produce books and papers. The director or any employee officially designated by the director is authorized to administer oaths to witnesses. The attendance of any witness may be compelled by attachment issued out of any superior court upon application to said court by the department, upon a proper showing that such witness has been duly served with a summons and has refused to appear before the said department. In case of the refusal of a witness to produce books, papers, documents or accounts or to give evidence on matters material to the hearing, the department may institute proceedings in the proper superior court to compel such witness to testify, or to produce such books or papers and to punish him for the refusal. All summons and process issued by the department shall be served by the sheriff of the proper county and such service certified by him to the commission without any compensation therefor. Persons appearing before the department in obedience to a summons, shall, in the discretion of the department, receive the same compensation as witnesses in the superior court. The records, books, accounts and papers of each company shall be subject to visitation, investigation or examination by the department, or any employee thereof officially designated by the director. All real and/or personal property of any company shall be subject to visitation, investigation, examination and/or listing at any and all times by the department, or any person employed by the department. [1973 c 95 § 10; 1961 c 15 § 84.16.032. Prior: 1933 c 146 § 4; RRS § 11172-4; prior: 1907 c 36 § 6. Formerly RCW 84.16.060.]

Chapter 84.28
REFORESTATION LANDS

84.28.090 BASIS OF ASSESSMENT PRESCRIBED. All lands classified as reforestation lands as provided in this chapter and lying west of the summit of the Cascade range of mountains in the state of Washington shall, after the date of such classification, be assessed for purposes of taxation at sixteen dollars per acre, which is hereby declared to be the assessed value thereof; and all lands so classified lying east of the summit of the Cascade range of mountains shall be assessed for purposes of taxation at eight dollars per acre, which is hereby declared to be the assessed value thereof. The above values shall apply as the actual basis for taxation of such lands, without regard to any percentages of value which may apply for taxation of other classes of

property; and the taxation of such lands on the basis herein provided shall be separate and distinct from and in addition to the cost of protecting such lands from fire as provided under the laws of Washington. [1973 1st ex.s. c 195 § 89; 1971 ex.s. c 299 § 33; 1963 c 214 § 10; 1961 c 15 § 84.28.090. Prior: 1931 c 40 § 7; RRS § 11219-7.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 84.33
TIMBER AND FOREST LANDS

84.33.050 VALUATION--TIMBER ROLL--BASE YEARS--CALCULATION OF ASSESSED VALUATION.

(1) In preparing the assessment roll as of January 1, 1971 for taxes payable in 1972, the assessor of each timber county shall list all timber within such county on January 1, 1971 at the 1970 timber value. For each year commencing with 1972, the assessor of each timber county shall prepare a timber roll, which shall be separate and apart from the assessment roll, listing all timber within such county on January 1, 1972 at values determined as follows:

(a) For the five years commencing with 1972, the value shall be the 1970 timber value;

(b) For each succeeding five year period, the first of which commences on January 1, 1977, the value shall be such 1970 timber value increased or decreased in proportion to the percentage change, if any, which has occurred between the last year of the preceding five year period and 1973 in the average stumpage value per unit of measure of all timber harvested in such county. Such percentage change shall be determined by the department of revenue on the basis of information contained in the excise tax returns filed pursuant to RCW 82.04.291.

(2) As used in subsection (1) of this section, "1970 timber value" means the value for timber calculated in the same manner and using the same values and valuation factors actually used by such assessor in determining the value of timber for the January 1, 1970 assessment roll, except that if a revised schedule of such values and valuation factors was applied to some but not all timber in a county for the January 1, 1970 assessment roll, such revised schedule shall be used by the assessor for any timber revalued for the 1971 or 1972 assessment rolls, and except that if the value of timber in any county on January 1, 1970 was not separately determined and shown on such assessment roll, 1970 timber value shall mean the value reconstructed from available records and information in accordance with rules to be prescribed by the department of revenue.

(3) The assessor of each timber county shall add to the assessment roll showing values of property as of January 1 of the years listed below, an "assessed valuation" of the portion, indicated below opposite each such year, of the value of timber as shown on the timber roll for such year. Such assessed valuation shall be calculated by multiplying such portion of the timber roll by the assessment ratio applied generally by such assessor in computing the assessed valuation of other property in his county. The dollar rates, calculated pursuant to RCW 84.33.060 for each taxing district within which there was timber on January 1 of such year, shall be extended against such "assessed valuation" of timber within such district as well as against the assessed value of all other property within such district as shown on such assessment roll.

YEAR	PORTION OF TIMBER ROLL
1972	75%
1973	45%
1974 and thereafter	None

(4) Timber may be added to the timber roll, at the value specified in subsection (1) of this section, commencing as of January 1 following the designation of the land upon which such timber stands pursuant to subsection (3) of RCW 84.33.120 or 84.33.130, but only if the value of such timber was not separately determined and shown on the assessment roll as of either January 1, 1970 or January 1, 1972;

(5) Timber may be added to the timber roll, at the value specified in subsection (1) of this section, commencing as of January 1st following the sale or transfer of the land upon which such timber stands from an ownership in which such land was exempt from ad valorem taxation to an ownership in which such land is no longer exempt.

(6) The value of timber shall be deleted from the timber roll upon the sale or transfer of the land upon which such timber stands to an ownership in which such land is exempt from ad valorem taxation. [1973 1st ex.s. c 195 § 90; 1972 ex.s. c 148 § 4; 1971 ex.s. c 294 § 5.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.33.060 CALCULATION AND FIXING OF DOLLAR RATES FOR REGULAR AND EXCESS LEVIES. In each year commencing with 1972 and ending with 1980, solely for the purpose of determining, calculating and fixing, pursuant to chapter 84.52 RCW, the dollar rates for all regular and excess levies for the state and each timber county and taxing district lying wholly or partially in such county within which there was timber on January 1 of such year, the assessor of such timber county

shall, for each such district, add to the amount of the "assessed valuation of the property" of all property other than timber the product of:

(a) The portion indicated below for each year of the value of timber therein as shown on the timber roll prepared in accordance with RCW 84.33.050 for such year; and

(b) The assessment ratio applied generally by such assessor in computing the assessed value of other property in his county:

YEAR	PORTION OF TIMBER ROLL
1972 through 1977	100%
1978	75%
1979	50%
1980	25%
1981 and thereafter	None

[1973 1st ex.s. c 195 § 91; 1971 ex.s. c 294 § 6.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.33.080 SCHEDULE OF VALUE OF TIMBER ON TIMBER ROLL, AGGREGATE DOLLAR RATES AND "TIMBER FACTOR"—SCHEDULE OF VALUE OF TIMBER HARVESTED, AGGREGATE DOLLAR RATES AND "HARVEST FACTOR"—TRANSFERS BETWEEN TIMBER TAX FUNDS—PAYMENTS.

(1) On or before December 15 of each year commencing with 1972 and ending with 1980, the assessor of each timber county shall deliver to the treasurer of such county and to the department of revenue a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The value of timber as shown on the timber roll for such year;

(b) The aggregate dollar rate calculated pursuant to RCW 84.33.060 and actually utilized the immediately preceding October in extending property taxes upon the tax rolls for collection in the following year;

(c) A "timber factor" which is the product of such aggregate dollar rate, the assessment ratio applied generally by such assessor in computing the assessed value of other property in his county and the appropriate portion listed below of the timber roll for such year ((a) above):

YEAR	PORTION OF TIMBER ROLL
1972	25%
1973	55%
1974 through 1977	100%
1978	75%
1979	50%
1980	25%

On or before December 31 of each year commencing with 1972 and ending with 1980, the department of revenue shall determine the proportion that each taxing district's

timber factor bears to the sum of the timber factors for all taxing districts in the state, and shall deliver a list to the assessor and the treasurer of each timber county and to the state treasurer showing the factor and proportion for each taxing district.

(2) On the tenth day of the second month of each calendar quarter, commencing February 10, 1973 and ending November 10, 1981, the state treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion (determined in December of the preceding year pursuant to subsection (1) of this section) of the amount in state timber tax fund A collected upon timber harvested in the preceding calendar quarter, but in no event shall any quarterly payment to a taxing district, when added to the payments made to such district the previous quarters of the same year, exceed the timber factor for such district determined in December of the preceding year. The balance in state timber tax fund A, if any, after the distribution to taxing districts on November 10 each year commencing with 1973 and ending with 1981, shall be transferred to the state timber reserve fund.

(3) If the balance in state timber tax fund A immediately prior to such November 10 distribution to taxing districts is not sufficient to permit a payment which, when added to the payments made to any taxing district the previous quarters of the same year, will equal the timber factor for such district determined in December of the preceding year, the necessary additional amount shall be transferred from the state timber reserve fund to state timber tax fund A.

(4) The balance, if any, in the state timber reserve fund after the final transfer, if any, to or from state timber tax fund A in November of 1981, shall be transferred to state timber tax fund B on December 31, 1981, and one-fourth of such balance shall be distributed in each quarter of 1982 in the manner set forth in subsection (6) of this section.

(5) On or before December 31 of each year commencing with 1978, the department of revenue shall deliver to the treasurer of each timber county a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The average of the aggregate value of all timber harvested within such district in each of the immediately preceding five years as determined from the excise tax returns filed with the department of revenue;

(b) The aggregate dollar rate calculated pursuant to RCW 84.33.060 and chapter 84.52 RCW and actually utilized the immediately preceding October in extending property taxes upon the tax rolls for collection the following year;

(c) A "harvest factor" which is the product of such five year average and such aggregate dollar rate;

(d) The proportion that each taxing district's harvest factor bears to the sum of the harvest factors for all taxing districts in the state.

(6) On the tenth day of the second month of each calendar quarter commencing February 10, 1979, the state treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion (determined in December of the preceding year pursuant to subsection (5) of this section) of the amount in state timber tax fund B collected upon timber harvested in the preceding calendar quarter. [1973 1st ex.s. c 195 § 92; 1972 ex.s. c 148 § 2; 1971 ex.s. c 294 § 8.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195; See notes following RCW 84.52.043.

84.33.140 FOREST LAND VALUATION--NOTATION OF UPON ASSESSMENT AND TAX ROLLS--REMOVAL OF DESIGNATION--COMPENSATING TAX.

(1) When land has been designated as forest land pursuant to subsection (3) of RCW 84.33.120 or 84.33.130, a notation of such designation shall be made each year upon the assessment and tax rolls, a copy of the notice of approval together with the legal description or assessor's tax lot numbers for such land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and such land shall be graded and valued pursuant to RCW 84.33.110 and 84.33.120 until removal of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove such designation;

(b) Passage of sixty days following the sale or transfer of such land to a new owner without receipt of an application pursuant to RCW 84.33.130 from the new owner;

(c) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that such land is no longer primarily devoted to and used for growing and harvesting timber.

Removal of designation upon occurrence of any of subsections (a) through (c) above shall apply only to the land affected, and upon occurrence of subsection (d) shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber, without regard to other land that may have been included in the same application and approval for designation.

(2) Within thirty days after such removal of designation of forest land, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal a copy of the notice of removal with notation of the action, if any, upon appeal, together with the legal description or assessor's tax lot numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and commencing on January 1 of the year following the year in which the assessor mailed such notice, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (5) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer on or before April 30 of the following year. On or before May 31 following such assessment date, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to:

(a) The difference between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by

(b) A number, in no event greater than ten, equal to the number of years for which such land was designated as forest land.

(4) Any compensating tax unpaid on its due date shall thereupon become delinquent and together with applicable interest thereon, shall as of said date become a lien on such land which shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The compensating tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land. [1973 1st ex.s. c 195 § 93; 1972 ex.s. c 148 § 6; 1971 ex.s. c 294 § 14.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 84.34
OPEN SPACE, AGRICULTURAL, AND TIMBER
LANDS—CURRENT USE
ASSESSMENT—CONSERVATION FUTURES

84.34.010 LEGISLATIVE DECLARATION.

The legislature hereby declares that it is in the best interest of the state to maintain, preserve, conserve and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the state and its citizens. The legislature further declares that assessment practices must be so designed as to permit the continued availability of open space lands for these purposes, and it is the intent of this chapter so to provide. The legislature further declares its intent that farm and agricultural lands shall be valued on the basis of their value for use as authorized by section 11 of Article VII of the Constitution of the state of Washington. [1973 1st ex.s. c 212 § 1; 1970 ex.s. c 87 § 1.]

84.34.020 DEFINITIONS. As used in this chapter, unless a different meaning is required by the context:

(1) "Open space land" means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly or (b) any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or (v) enhance recreation opportunities, or (vi) preserve historic sites, or (vii) retain in its natural state tracts of land not less than five acres situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification.

(2) "Farm and agricultural land" means either (a) land in any contiguous ownership of twenty or more acres devoted primarily to the production of livestock or agricultural commodities for commercial purposes; (b) any parcel of land five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre per year for three of the five calendar years preceding

the date of application for classification under this chapter; or (c) any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income of one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter. Agricultural lands shall also include farm woodlots of less than twenty and more than five acres and the land on which appurtenances necessary to the production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands".

(3) "Timber land" means land in any contiguous ownership of five or more acres which is devoted primarily to the growth and harvest of forest crops and which is not classified as reforestation land pursuant to chapter 84.28 RCW, or as land classified for deferred taxation under chapter 84.32 RCW. Timber land means the land only.

(4) "Current" or "currently" means as of the date on which property is to be listed and valued by the county assessor.

(5) "Owner" means the party or parties having the fee interest in land, except that where land is subject to real estate contract "owner" shall mean the contract vendee.

(6) "Contiguous" means land adjoining and touching other property held by the same ownership. Land divided by a public road, but otherwise an integral part of a farming operation, shall be considered contiguous. [1973 1st ex.s. c 212 § 2; 1970 ex.s. c 87 § 2.]

84.34.030 APPLICATIONS FOR CURRENT USE CLASSIFICATION—FORMS—FEE—TIMES FOR MAKING. An owner of agricultural land desiring current use classification under subsection (2) of RCW 84.34.020 shall make application to the county assessor upon forms prepared by the state department of revenue and supplied by the county assessor. An owner of open space or timber land desiring current use classification under subsections (1) and (3) of RCW 84.34.020 shall make application to the county legislative authority upon forms prepared by the state department of revenue and supplied by the county assessor. The application shall be accompanied by a reasonable processing fee if such processing fee is established by the city or county legislative authority but that such fee may not exceed thirty dollars for each application: PROVIDED, That if the application is not approved, then the application fee shall be returned to the applicant. Said application shall require

only such information reasonably necessary to properly classify an area of land under *this 1973 amendatory act with a notarized verification of the truth thereof and shall include a statement that the applicant is aware of the potential tax liability involved when such land ceases to be designated as open space, farm and agricultural or timber land. Applications must be made during the calendar year preceding that in which such classification is to begin. The assessor shall make necessary information, including copies of this chapter and applicable regulations, readily available to interested parties, and shall render reasonable assistance to such parties upon request. [1973 1st ex.s. c 212 § 3; 1970 ex.s. c 87 § 3.]

*Reviser's note: "this 1973 amendatory act" [1973 1st ex.s. c 212] consists of RCW 84.34.035, 84.34.037, 84.34.065, 84.34.108, 84.34.111, 84.34.121, 84.34.131, 84.34.141, 84.34.145, 84.34.150, 84.34.155, 84.34.160, and 84.34.921, to the amendments to RCW 84.34.010, 84.34.020, 84.34.030, 84.34.050, 84.34.060, 84.34.070 and 84.34.080 by 1973 1st ex.s. c 212, and to the repeal of RCW 84.34.040, 84.34.110, 84.34.120, 84.34.130 and 84.34.140.

84.34.035 APPLICATIONS FOR CURRENT USE CLASSIFICATION--APPROVAL OR DENIAL--APPEAL--DUTIES OF ASSESSOR UPON APPROVAL. The assessor shall act upon the application for current use classification of farm and agricultural lands under subsection (2) of RCW 84.34.020, with due regard to all relevant evidence. The application shall be deemed to have been approved unless, prior to the first day of May of the year after such application was mailed or delivered to the assessor, he shall notify the applicant in writing of the extent to which the application is denied. An owner who receives notice that his application has been denied may appeal such denial to the county legislative authority. Within ten days following approval of the application, the assessor shall submit notification of such approval to the county auditor for recording in the place and manner provided for the public recording of state tax liens on real property.

The assessor shall, as to any such land, make a notation each year on the assessment list and the tax roll of the assessed value of such land for the use for which it is classified in addition to the assessed value of such land were it not so classified.

The assessor shall also file notice of both such values with the county treasurer, who shall record such notice in the place and manner provided for recording delinquent taxes. [1973 1st ex.s. c 212 § 4.]

84.34.037 APPLICATIONS FOR CURRENT USE CLASSIFICATION--TO WHOM MADE--FACTORS--REVIEW. Applications for classification under RCW 84.34.020 subsection (1) or (3) shall be made to the county legislative authority. An application made for classification of land under RCW 84.34.020 subsection (1) (b), or (3) which is in an area subject to a comprehensive plan shall be acted upon in the same manner in which an amendment to the comprehensive plan is processed. Application made for classification of land which is in an area not subject to a comprehensive plan shall be acted upon after a public hearing and after notice of the hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearing: PROVIDED, That applications for classification of land in an incorporated area shall be acted upon by a determining authority composed of three members of the county legislative body and three members of the city legislative body in which the land is located.

In determining whether an application made for classification under RCW 84.34.020, subsection (1) (b), or (3) should be approved or disapproved, the granting authority may take cognizance of the benefits to the general welfare of preserving the current use of the property which is the subject of application, and may consider whether or not preservation of current use of the land will (1) conserve or enhance natural or scenic resources, (2) protect streams or water supplies, (3) promote conservation of soils, wetlands, beaches or tidal marshes, (4) enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces, (5) enhance recreation opportunities, (6) preserve historic sites, (7) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property against the potential loss in revenue which may result from granting the application: PROVIDED, That the granting authority may approve the application with respect to only part of the land which is the subject of the application: PROVIDED FURTHER, That if any part of the application is denied, the applicant may withdraw the entire application: AND PROVIDED FURTHER, That the granting authority in approving in part or whole an application for land classified pursuant to RCW 84.34.020 (1) or (3) may also require that certain conditions be met, including but not limited to the granting of easements: AND PROVIDED FURTHER, That the granting or denial of the application for current use classification is a legislative determination and shall be reviewable only for arbitrary and capricious actions. [1973 1st ex.s. c 212 § 5.]

84.34.040 REFERRAL OF APPLICATION TO PROPER LEGISLATIVE BODY--APPROVAL OR DISAPPROVAL--FACTORS--REVIEW. [1970 ex.s. c 87 § 4.] Repealed by 1973 1st ex.s. c 212 § 21.

84.34.050 NOTICE OF APPROVAL OR DISAPPROVAL--PROCEDURE WHEN APPROVAL GRANTED.

(1) The granting authority shall immediately notify the county assessor and the applicant of its approval or disapproval which shall in no event be more than six months from the receipt of said application. No land other than farm and agricultural land shall be considered qualified under this chapter until an application in regard thereto has been approved by the appropriate legislative authority.

(2) When the granting authority finds that land qualifies under this chapter, it shall file notice of the same with the assessor within ten days. The assessor shall, as to any such land, make a notation each year on the assessment list and the tax roll of the assessed value of such land for the use for which it is classified in addition to the assessed value of such land were it not so classified.

(3) Within ten days following receipt of the notice from the granting authority that such land qualifies under this chapter, the assessor shall submit such notice to the county auditor for recording in the place and manner provided for the public recording of state tax liens on real property.

(4) The assessor shall also file notice of both such value with the county treasurer, who shall record such notice in the place and manner provided for recording delinquent taxes. [1973 1st ex.s. c 212 § 6; 1970 ex.s. c 87 § 5.]

84.34.060 DETERMINATION OF TRUE AND FAIR VALUE OF CLASSIFIED LAND--COMPUTATION OF ASSESSED VALUE. In determining the true and fair value of open space land and timber land, which has been classified as such under the provisions of this chapter, the assessor shall consider only the use to which such property and improvements is currently applied and shall not consider potential uses of such property. The assessor shall compute the assessed value of such property by using the same assessment ratio which he applies generally in computing the assessed value of other property: PROVIDED, That the assessed valuation of open space land with no current use shall not be less than that which would result if it were to be assessed for agricultural uses. [1973 1st ex.s. c 212 § 7; 1970 ex.s. c 87 § 6.]

84.34.065 DETERMINATION OF TRUE AND FAIR VALUE OF FARM AND AGRICULTURAL LAND--COMPUTATION--DEFINITIONS. The true and fair value of farm and agricultural land shall be determined by consideration of

the earning or productive capacity of comparable lands from crops grown most typically in the area averaged over not less than five years, capitalized at indicative rates. The earning or productive capacity of farm and agricultural lands shall be the "net cash rental", capitalized at a "rate of interest" charged on long term loans secured by a mortgage on farm or agricultural land plus a component for property taxes.

For the purposes of the above computation:

(1) The term "net cash rental" shall mean the average rental paid on an annual basis, in cash or its equivalent, for the land being appraised and other farm and agricultural land of similar quality and similarly situated that is available for lease for a period of at least three years to any reliable person without unreasonable restrictions on its use for production of agricultural crops. There shall be allowed as a deduction from the rental received or computed any costs of crop production charged against the landlord if the costs are such as are customarily paid by a landlord. If "net cash rental" data is not available, the earning or productive capacity of farm and agricultural lands shall be determined by the cash value of typical or usual crops grown on land of similar quality and similarly situated averaged over not less than five years. Standard costs of production shall be allowed as a deduction from the cash value of the crops.

The current "net cash rental" or "earning capacity" shall be determined by the assessor with the advice of the advisory committee as provided in RCW 84.34.145, and through a continuing study within his office, assisted by studies of the department of revenue. This net cash rental figure as it applies to any farm and agricultural land may be challenged before the same boards or authorities as would be the case with regard to assessed values on general property.

(2) The term "rate of interest" shall mean the rate of interest charged by the farm credit administration and other large financial institutions regularly making loans secured by farm and agricultural lands through mortgages or similar legal instruments, averaged over the immediate past five years.

The "rate of interest" shall be determined annually by the revenue department of the state of Washington, and such determination shall be published not later than January 1 of each year for use in that assessment year. The determination of the revenue department may be appealed to the state board of tax appeals by any owner of farm or agricultural land or the assessor of any county containing farm and agricultural land.

(3) The "component for property taxes" shall be a percentage equal to the estimated millage rate times the legal assessment ratio. [1973 1st ex.s. c 212 § 10.]

84.34.070 WITHDRAWAL FROM CLASSIFICATION. When land has once been classified under this chapter, it shall remain under such classification and shall not be applied to other use for at least ten years from the date of classification and shall continue under such classification until and unless withdrawn from classification after notice of request for withdrawal shall be made by the owner. During any year after eight years of the initial ten-year classification period have elapsed, notice of request for withdrawal of all or a portion of the land, which shall be irrevocable, may be given by the owner to the county assessor or assessors of the county or counties in which such land is situated. In the event that a portion of a parcel is removed from classification, the remaining portion must meet the same requirements as did the entire parcel when such land was originally granted classification pursuant to this chapter. Within seven days the county assessor shall transmit one copy of such notice to the legislative body which originally approved the application. The county assessor or assessors, as the case may be, shall, when two assessment years have elapsed following the date of receipt of such notice, withdraw such land from such classification and the land shall be subject to the additional tax due under RCW 84.34.108: PROVIDED, That agreement to tax according to use shall not be considered to be a contract and can be abrogated at any time by the legislature in which event no additional tax or penalty shall be imposed. [1973 1st ex.s. c 212 § 8; 1970 ex.s. c 87 § 7.]

84.34.080 CHANGE IN USE. When land which has been classified under this chapter as open space land, farm and agricultural land, or timber land is applied to some other use, except through compliance with RCW 84.34.070, or except as a result solely from any one of the conditions listed in RCW 84.34.108 (5), the owner shall within sixty days notify the county assessor of such change in use and additional real property tax shall be imposed upon such land in an amount equal to the sum of the following:

(1) The total amount of the additional tax due under RCW 84.34.108; plus

(2) A penalty amounting to twenty percent of the amount determined in subsection (1) of this section. [1973 1st ex.s. c 212 § 9; 1970 ex.s. c 87 § 8.]

84.34.108 REMOVAL OF DESIGNATION--FACTORS--ADDITIONAL TAX--LIEN--DELINQUENCIES--EXEMPTIONS. (1) When land has once been classified under *this 1973 amendatory act, a notation of such designation shall be made each year upon the assessment and tax rolls and such land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of

such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of such designation;

(b) Passage of sixty days following the sale or transfer of all or a portion of such land to a new owner without receipt of a notice of compliance from the new owner. Notice of compliance forms shall be prepared by the state department of revenue and supplied by the county assessor. Said notice shall contain a statement that the new owner is aware of the use classification of the land and of the potential tax liability involved when such land ceases to be designated as open space, farm and agricultural or timber land;

(c) Sale or transfer to an ownership making all or a portion of such land exempt from ad valorem taxation;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of such land is no longer primarily devoted to and used for the purposes under which it was granted classification.

(2) Within thirty days after such removal of all or a portion of such land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to full market value on the date of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (5) of this section, an additional tax shall be imposed which shall be due and payable to the county treasurer on or before April 30 of the following year. The assessor shall compute the amount of such an additional tax and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such additional tax shall be equal to:

(a) The difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified; plus

(b) Interest upon the amounts of such additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter.

(4) Any additional tax unpaid on its due date shall thereupon become delinquent and together with applicable interest thereon, shall as of said date become a

lien on such land which shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050 now or as hereafter amended. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The additional tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land.

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of such land.

(f) Transfer to a church and such land would qualify for property tax exemption pursuant to RCW 84.36.020. [1973 1st ex.s. c 212 § 12.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 84.34.030.

84.34.110 REMEDIES AVAILABLE TO OWNER LIABLE FOR ADDITIONAL TAX. [1970 ex.s. c 87 § 11.] Repealed by 1973 1st ex.s. c 212 § 21.

84.34.111 REMEDIES AVAILABLE TO OWNER LIABLE FOR ADDITIONAL TAX. The owner of any land as to which additional tax is imposed as provided in *this 1973 amendatory act shall have with respect to valuation of the land and imposition of the additional tax all remedies provided by Title 84 RCW. [1973 1st ex.s. c 212 § 13.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 84.34.030.

84.34.120 REPORTS REQUIRED. [1970 ex.s. c 87 § 12.] Repealed by 1973 1st ex.s. c 212 § 21.

84.34.121 INFORMATION REQUIRED. The assessor may require owners of land classified under this chapter to submit pertinent data regarding the use of the land, productivity of typical crops, and such similar information pertinent to continued classification and appraisal of the land. [1973 1st ex.s. c 212 § 14.]

84.34.130 VALUATION OF TIMBER NOT AFFECTED. [1970 ex.s. c 87 § 13.] Repealed by 1973 1st ex.s. c 212 § 21.

84.34.131 VALUATION OF TIMBER NOT AFFECTED. Nothing in *this 1973 amendatory act shall be construed as in any manner affecting the method for valuation of timber standing on timber land which has been classified under the provisions of *this 1973 amendatory act. [1973 1st ex.s. c 212 § 16.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 84.34.030.

84.34.140 RULES AND REGULATIONS. [1970 ex.s. c 87 § 14.] Repealed by 1973 1st ex.s. c 212 § 21.

84.34.141 RULES AND REGULATIONS. The department of revenue of the state of Washington shall make such rules and regulations consistent with the provisions of *this 1973 amendatory act as shall be necessary or desirable to permit its effective administration. [1973 1st ex.s. c 212 § 17.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 84.34.030.

84.34.145 ADVISORY COMMITTEE. The county legislative authority shall appoint a five member committee representing the active farming community within the county to serve in an advisory capacity to the county assessor in implementing assessment guidelines as established by the department of revenue for the assessment of open space, farms and agricultural lands, and timber lands classified pursuant to *this 1973 amendatory act. [1973 1st ex.s. c 212 § 11.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 84.34.030.

84.34.150 RECLASSIFICATION OF LAND CLASSIFIED UNDER PRIOR LAW WHICH MEETS DEFINITION OF FARM AND AGRICULTURAL LAND. Land classified under the provisions of

chapter 84.34 RCW prior to July 16, 1973 which meets the definition of farm and agricultural land under the provisions of *this 1973 amendatory act, upon request for such change made by the owner to the county assessor, shall be reclassified by the county assessor under the provisions of *this 1973 amendatory act. This change in classification shall be made without additional tax, penalty, or other requirements: PROVIDED, That subsequent to such reclassification, the land shall be fully subject to the provisions of chapter 84.34 RCW, as now or hereafter amended. [1973 1st ex.s. c 212 § 15.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 84.34.030.

84.34.155 RECLASSIFICATION OF LAND CLASSIFIED AS TIMBER LAND WHICH MEETS DEFINITION OF FOREST LAND UNDER CHAPTER 84.33 RCW. Land classified under the provisions of chapter 84.34 RCW as timber land which meets the definition of forest land under the provisions of chapter 84.33 RCW, upon request for such change made by the owner to the county assessor, shall be reclassified by the county assessor under the provisions of chapter 84.33 RCW. This change in classification shall be made without additional tax, penalty, or other requirements set forth in chapter 84.34 RCW: PROVIDED, That subsequent to such reclassification, the land shall be fully subject to the provisions of chapter 84.33 RCW, as now or hereafter amended. [1973 1st ex.s. c 212 § 19.]

84.34.160 INFORMATION ON CURRENT USE CLASSIFICATION--PUBLICATION AND DISSEMINATION. The department of revenue and each local assessor is hereby directed to publicize the qualifications and manner of making applications for current use classification. Whenever possible notice of the qualifications, method of making applications, and availability of further information on current use classification shall be included with the second half property tax statements for 1973, and thereafter, shall be included with every notice of change in valuation of unplatted lands. [1973 1st ex.s. c 212 § 18.]

84.34.230 ACQUISITION OF OPEN SPACE, ETC., LAND OR RIGHTS TO FUTURE DEVELOPMENT BY COUNTIES, CITIES OR METROPOLITAN MUNICIPAL CORPORATIONS--PROPERTY TAX LEVY AUTHORIZED. (EFFECTIVE UNTIL JANUARY 1, 1974.) For the purpose of acquiring conservation futures as well as other rights and interests in real property pursuant to RCW 84.34.210 and 84.34.220, a county may levy an amount not to exceed one-eighth of one mill on the assessed valuation of all taxable property within the county, which

levy shall be in addition to that authorized by RCW 84.52.042. [1973 1st ex.s. c 195 § 145; 1971 ex.s. c 243 § 4.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.34.230 ACQUISITION OF OPEN SPACE, ETC., LAND OR RIGHTS TO FUTURE DEVELOPMENT BY COUNTIES, CITIES OR METROPOLITAN MUNICIPAL CORPORATIONS--PROPERTY TAX LEVY AUTHORIZED. (AMENDMENT EFFECTIVE JANUARY 1, 1974.) For the purpose of acquiring conservation futures as well as other rights and interests in real property pursuant to RCW 84.34.210 and 84.34.220, a county may levy an amount not to exceed six and one-quarter cents per thousand dollars of assessed valuation against the assessed valuation of all taxable property within the county, which levy shall be in addition to that authorized by RCW 84.52.050 and 84.52.043. [1973 1st ex.s. c 195 § 94; 1971 ex.s. c 243 § 4.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.34.921 SEVERABILITY--1973 1ST EX.S. C 212. If any provision of this 1973 amendatory 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. [1973 1st ex.s. c 212 § 20.]

Chapter 84.36 EXEMPTIONS

Cross Reference:

Property leased to organization for agricultural fair exempt from property taxation: RCW 15.76.165.

84.36.020 CEMETERIES, CHURCHES, PARSONAGES, CONVENTS AND GROUNDS. The following property shall be exempt from taxation:

All lands, and buildings required for necessary administration and maintenance, used, or to the extent used, exclusively for public burying grounds or cemeteries without discrimination as to race, color, national origin or ancestry;

All churches and the ground, not exceeding five acres in area, upon which a church of any nonprofit recognized religious denomination is or shall be built, together with a parsonage and convent. The area exempted shall in any case include all ground covered by the church, parsonage and convent and the structures and ground necessary for street access, parking, light, and ventilation, but the area of unoccupied ground exempted in such

cases, in connection with church, parsonage, and convent, shall not exceed the equivalent of one hundred twenty by one hundred twenty feet except where additional unoccupied land may be required to conform with state or local codes, zoning, or licensing requirements. The parsonage and convent need not be on land contiguous to the church property. To be exempt the property must be wholly used for church purposes: PROVIDED, That the loan or rental of property otherwise exempt under this paragraph to a nonprofit organization, association, or corporation, or school for use for an eleemosynary activity shall not nullify the exemption provided in this paragraph if the rental income, if any, is reasonable and is devoted solely to the operation and maintenance of the property. [1973 2nd ex.s. c 40 § 1; 1971 ex.s. c 64 § 3; 1961 c 103 § 3; 1961 c 15 § 84.36.020. Prior: 1955 c 196 § 4; prior: 1939 c 206 § 8, part; 1933 ex.s. c 19 § 1, part; 1933 c 115 § 1, part; 1929 c 126 § 1, part; 1925 ex.s. c 130 § 7, part; 1915 c 131 § 1, part; 1903 c 178 § 1, part; 1901 c 176 § 1, part; 1899 c 141 § 2, part; 1897 c 71 §§ 1, 5, part; 1895 c 176 § 2, part; 1893 c 124 §§ 1, 5, part; 1891 c 140 §§ 1, 5, part; 1890 p 532 §§ 1, 5, part; 1886 p 47 § 1, part; Code 1881 § 2829, part; 1871 p 37 § 4, part; 1869 p 176 § 4, part; 1867 p 61 § 2, part; 1854 p 331 § 2, part; RRS § 11111, part. Formerly RCW 84.40.010.]

84.36.030 PROPERTY USED FOR CHARACTER BUILDING, BENEVOLENT, PROTECTIVE OR REHABILITATIVE SOCIAL SERVICES--CAMP FACILITIES--VETERAN OR RELIEF ORGANIZATION OWNED PROPERTY--RENTAL, EFFECT. The following real and personal property shall be exempt from taxation:

Property owned by nonprofit, nonsectarian organizations or associations, organized and conducted for nonsectarian purposes, which shall be solely used, or to the extent used, for character-building, benevolent, protective or rehabilitative social services directed at persons of all ages;

Property owned by any nonprofit church, denomination, group of churches, or an organization or association, the membership of which is comprised solely of churches or their qualified representatives, which is utilized as a camp facility if exclusively and/or jointly used for organized and supervised recreational activities and church purposes as related to such camp facilities. The rental of property otherwise exempt under this paragraph to another nonprofit church or a nonsectarian organization or association, nonprofit school or college exempt under this chapter for the use by the lessee for the purposes set forth in this paragraph shall not nullify the exemption provided for in this paragraph if the rental income is devoted solely to the operation and maintenance of the property. The exemption

provided by this paragraph shall apply to a maximum of two hundred acres of any such camp as selected by the church, including buildings and other improvements thereon.

Property, including buildings and improvements required for the maintenance and safeguarding of such property, owned by nonprofit organizations or associations engaged in character building of boys and girls under eighteen years of age, and solely used, or to the extent used, for such purposes and uses, provided such purposes and uses are for the general public good: PROVIDED, That if existing charters provide that organizations or associations, which would otherwise qualify under the provisions of this paragraph, serve boys and girls up to the age of twenty-one years, then such organizations or associations shall be deemed qualified pursuant to this section. The rental of property otherwise exempt under this paragraph to another nonprofit organization or association engaged in character building of boys and girls under eighteen years of age or to a nonprofit church organization, a nonsectarian organization or association, or school or college exempt under this chapter, or to a public school for the use by the lessee for the purposes set forth in this paragraph shall not nullify the exemption provided for in this paragraph if the rental income is devoted solely to the operation and maintenance of the property;

Property owned by all organizations and societies of veterans of any war of the United States, recognized as such by the department of defense, which shall have national charters, and which shall have for their general purposes and objects the preservation of the memories and associations incident to their war service and the consecration of the efforts of their members to mutual helpfulness and to patriotic and community service to state and nation. To be exempt such property must be primarily used in such manner as may be reasonably necessary to carry out the purposes and objects of such societies;

Property owned by all corporations, incorporated under any act of congress, whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same. [1973 2nd ex.s. c 40 § 2. Prior: 1971 ex.s. c 292 § 70; 1971 ex.s. c 64 § 1; 1969 c 137 § 1; 1961 c 15 § 84.36.030; prior: 1955 c 196 § 5; prior: (i) 1939 c 206 § 8, part; 1933 ex.s. c 19 § 1, part; 1933 c 115 § 1, part; 1929 c 126 § 1, part; 1925 ex.s. c 130 § 7, part; 1915 c 131 § 1, part; 1903 c 178 § 1, part; 1901 c 176 § 1, part; 1899 c 141 § 2, part; 1897 c 71 §§ 1, 5, part; 1895 c 176 § 2, part; 1893 c 124 §§ 1, 5, part; 1891 c 140

§§ 1, 5, part; 1890 p 532 §§ 1, 5, part; 1886 p 47 § 1, part; Code 1881 § 2829, part; 1871 p 37 § 4, part; 1869 p 176 § 4, part; 1867 p 61 § 2, part; 1854 p 331 § 2, part; RRS § 11111, part. (ii) 1945 c 109 § 1; Rem. Supp. 1945 § 11111a.]

84.36.040 LIBRARIES, ORPHANAGES, DAY CARE CENTERS, NURSING HOMES, HOSPITALS. The real and personal property to the extent used by nonprofit (1) day care centers as defined pursuant to RCW 74.15-.020 as now or hereafter amended; (2) free public libraries; (3) orphanages and orphan asylums; (4) homes for the aged; (5) homes for the sick or infirm; and, (6) hospitals for the sick, which are exclusively used for the purposes of such organizations shall be exempt from taxation: PROVIDED, That the benefit of the exemption inures to the user. [1973 2nd ex.s. c 40 § 3; 1973 1st ex.s. c 154 § 119; 1969 ex.s. c 245 § 1; 1961 c 15 § 84.36.040. Prior: 1955 c 196 § 6; prior: 1939 c 206 § 8, part; 1933 ex.s. c 19 § 1, part; 1933 c 115 § 1, part; 1929 c 126 § 1, part; 1925 ex.s. c 130 § 7, part; 1915 c 131 § 1, part; 1903 c 178 § 1, part; 1901 c 176 § 1, part; 1899 c 141 § 2, part; 1897 c 71 §§ 1, 5, part; 1895 c 176 § 2, part; 1893 c 124 §§ 1, 5, part; 1891 c 140 §§ 1, 5, part; 1890 p 532 §§ 1, 5, part; 1886 p 47 § 1, part; Code 1881 § 2829, part; 1871 p 37 § 4, part; 1869 p 176 § 4, part; 1867 p 61 § 2, part; 1854 p 331 § 2, part; RRS § 11111, part.]

84.36.050 SCHOOLS AND COLLEGES. The following property shall be exempt from taxation:

Property owned or used for any nonprofit school or college in this state solely for educational purposes or the revenue therefrom be devoted exclusively to the support and maintenance of such institution. Real property so exempt shall not exceed four hundred acres in extent and shall be used exclusively for college or campus purposes including but not limited to, buildings and grounds designed for the educational, athletic, or social programs of said institution, the housing of students, the housing of religious faculty, the housing of the chief administrator, athletic buildings and all other school or college facilities, the need for which would be nonexistent but for the presence of such school or college and which are principally designed to further the educational functions of such college or schools.

Real property owned or controlled by such institution or leased or rented by it for the purpose of deriving revenue therefrom shall not be exempt from taxation under this section. [1973 2nd ex.s. c 40 § 4; 1971 ex.s. c 206 § 2; 1970 ex.s. c 55 § 1; 1961 c 15 § 84.36.050. Prior: 1955 c 196 § 7; prior: 1939 c 206 § 8, part; 1933 ex.s. c 19 § 1, part; 1933 c 115 § 1, part; 1929 c 126 § 1, part; 1925

ex.s. c 130 § 7, part; 1915 c 131 § 1, part; 1903 c 178 § 1, part; 1901 c 176 § 1, part; 1899 c 141 § 2, part; 1897 c 71 §§ 1, 5, part; 1895 c 176 § 2, part; 1893 c 124 §§ 1, 5, part; 1891 c 140 §§ 1, 5, part; 1890 p 532 §§ 1, 5, part; 1886 p 47 § 1, part; Code 1881 § 2829, part; 1871 p 37 § 4, part; 1869 p 176 § 4, part; 1867 p 61 § 2, part; 1854 p 331 § 2, part; RRS § 11111, part. Formerly RCW 84.40.010.]

84.36.060 ART, SCIENTIFIC AND HISTORICAL COLLECTIONS AND PROPERTY USED TO MAINTAIN, ETC. SUCH COLLECTIONS, FIRE COMPANIES, HUMANE SOCIETIES. The following property shall be exempt from taxation:

All art, scientific, or historical collections of associations maintaining and exhibiting such collections for the benefit of the general public and not for profit, together with all real and personal property of such associations used exclusively for the safekeeping, maintaining and exhibiting of such collections: PROVIDED, That to qualify for this exemption an organization must be organized and operated exclusively for artistic, scientific, historical, literary or educational purposes and receive a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its purpose or function) from the United States or any state or any political subdivision thereof or from direct or indirect contributions from the general public;

All fire engines and other implements used for the extinguishment of fire, with the buildings used exclusively for the safekeeping thereof, and for meetings of fire companies, provided such properties belong to any city or town or to a fire company therein;

Property owned by humane societies in this state in actual use by such societies. [1973 2nd ex.s. c 40 § 5; 1961 c 15 § 84.36.060. Prior: 1955 c 196 § 8; prior: 1939 c 206 § 8, part; 1933 ex.s. c 19 § 1, part; 1933 c 115 § 1, part; 1929 c 126 § 1, part; 1925 ex.s. c 130 § 7, part; 1915 c 131 § 1, part; 1903 c 178 § 1, part; 1901 c 176 § 1, part; 1899 c 141 § 2, part; 1897 c 71 §§ 1, 5, part; 1895 c 176 § 2, part; 1893 c 124 §§ 1, 5, part; 1891 c 140 §§ 1, 5, part; 1890 p 532 §§ 1, 5, part; 1886 p 47 § 1, part; Code 1881 § 2829, part; 1871 p 37 § 4, part; 1869 p 176 § 4, part; 1867 p 61 § 2, part; 1854 p 331 § 2, part; RRS § 11111, part. Formerly RCW 84.40.010.]

84.36.120 HOUSEHOLD GOODS AND PERSONAL EFFECTS—DEFINITIONS. For the purposes of RCW 84.36.110 "head of a family" shall be construed to include a surviving spouse not remarried, any person receiving an old age pension under the laws of this state and any citizen of the United States, over the age of sixty-five years, who has

resided in the state of Washington continuously for ten years.

"Personal effects" shall be construed to mean and include such tangible property as usually and ordinarily attends the person such as wearing apparel, jewelry, toilet articles and the like.

"Private motor vehicle" shall be construed to mean and include all motor vehicles used for the convenience or pleasure of the owner and carrying a licensing classification other than motor vehicle for hire, auto stage, auto stage trailer, motor truck, motor truck trailer or dealers' licenses.

"Mobile home" shall be construed to mean and include 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. [1973 1st ex.s. c 154 § 120; 1971 ex.s. c 299 § 72; 1961 c 15 § 84.36.120. Prior: 1935 c 27 § 2; RRS § 11111-8.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

84.36.260 PROPERTY USED FOR CONSERVATION OF ECOLOGICAL SYSTEMS OR NATURAL RESOURCES, SCIENTIFIC RESEARCH. All real property or leaseholds thereof used exclusively for the conservation of ecological systems or natural resources, owned in fee or by contract purchase by any nonprofit corporation or association the primary purpose of which is the conducting or facilitating of scientific research or the conserving of natural resources for the general public, shall be exempt from ad valorem taxation if either of the following conditions are met:

(1) Such property shall be used and effectively dedicated primarily for the purpose of providing scientific research or educational opportunities for the general public or the preservation of native plants or animals, or biotic communities, or works of ancient man or geological or geographical formations, of distinct scientific and educational interest, and not for the pecuniary benefit of any person or company, as defined in RCW 82.04.030; and shall be open to the general public for educational and scientific research purposes subject to reasonable restrictions designed for its protection; or

(2) Such property shall be subject to an option, accepted in writing by the state, a city or a county, or department of the United States government, for the purchase thereof by the state, a city or a county, or the United States, at a price not exceeding the lesser of the following amounts: (a) the sum of the original purchase cost to such nonprofit corporation or association plus interest from the date of acquisition by such corporation or association at the rate of six percent per

annum compounded annually to the date of the exercise of the option; or (b) the appraised value of the property at the time of the granting of the option, as determined by the department of revenue or when the option is held by the United States, or by an appropriate agency thereof. [1973 c 112 § 1; 1967 ex.s. c 149 § 43.]

84.36.262 CESSATION OF USE GIVING RISE TO EXEMPTION. Upon cessation of the use which has given rise to an exemption hereunder, the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the ten years preceding, or the life of such exemption if such be less, together with interest at the same rate and computed in the same way as that upon delinquent property taxes. [1973 c 112 § 2.]

84.36.264 APPLICATION FOR EXEMPTION UNDER RCW 84.36.260. Owners of property desiring tax exempt status pursuant to the provisions of RCW 84.36.260, as now or hereafter amended, shall make an application therefor with the assessor of the county wherein such property is located. Prior to approval the assessor shall forward a copy of the initial application to the department of revenue and a copy of the option if such property qualifies pursuant to RCW 84.36.260 (2), as now or hereafter amended. Such option shall clearly state the purchase price pursuant to the option or the appraisal value as determined by the department of revenue. [1973 c 112 § 3.]

84.36.270 REAL PROPERTY BENEATH AIR SPACE DEDICATED TO PUBLIC BODY FOR STADIUM FACILITIES. Subject to the terms and conditions set forth in RCW 84.36.280, whenever the owner of any real property dedicates the perpetual right to use the air space over his property to any county, city or other political subdivision of this state for the construction, operation and maintenance of stadium facilities, or for any parking facilities to be used in connection therewith, pursuant to the provisions of chapter 67.28 RCW, such property shall be exempt from general property taxation to such extent and as to such dollar rate as shall be determined by the county, city or other political subdivision, and subject to being used by a public body for a public purpose and only so long as the owner allows the use by the public body of the dedicated air rights free of rents or other charges. [1973 1st ex.s. c 195 § 95; 1967 ex.s. c 117 § 1.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.36.300 STOCKS OF MERCHANDISE, GOODS, WARES OR MATERIAL--AIRCRAFT PARTS, ETC.--WHEN ELIGIBLE FOR EXEMPTION. There shall be exempt from taxation a portion of each separately assessed stock of merchandise, as that word is defined in this section, owned or held by any taxpayer on the first day of January of any year computed by first multiplying the total amount of that stock of such merchandise, as determined in accordance with RCW 84.40.020, by a percentage determined by dividing the amount of such merchandise brought into this state by the taxpayer during the preceding year for that stock by the total additions to that stock by the taxpayer during that year, and then multiplying the result of the latter computation by a percentage determined by dividing the total out-of-state shipments of such merchandise by the taxpayer during the preceding year from that stock (and regardless of whether or not any such shipments involved a sale of, or a transfer of title to, the merchandise within this state) by the total shipments of such merchandise by the taxpayer during the preceding year from that stock. As used in this section, the word "merchandise" means goods, wares, merchandise or material which were not manufactured in this state by the taxpayer and which were acquired by him (in any other manner whatsoever, including manufacture by him outside of this state) for the purpose of sale or shipment in substantially the same form in which they were acquired by him within this state or were brought into this state by him. Breaking of packages or of bulk shipments, packaging, repackaging, labeling or relabeling shall not be considered as a change in form within the meaning of this section. A taxpayer who has made no shipments of merchandise, either out-of-state or in-state, during the preceding year, may compute the percentage to be applied to the stock of merchandise on the basis of his experience from March 1 of the preceding year to the last day of February of the current year, in lieu of computing the percentage on the basis of his experience during the preceding year. The rule of strict construction shall not apply to this section.

All rights, title or interest in or to any aircraft parts, equipment, furnishings, or accessories (but not engines or major structural components) which are manufactured outside of the state of Washington and are owned by purchasers of the aircraft constructed, under construction or to be constructed in the state of Washington, and are shipped into the state of Washington for installation in or use in connection with the operation of such aircraft shall be exempt from taxation prior to and during construction of such aircraft and while held in this state for periods preliminary to and during the transportation of such aircraft from the state of Washington. [1973 c 149 § 2; 1969 ex.s. c 124 § 1.]

84.36.301 LEGISLATIVE FINDING AND DECLARATION. The legislature hereby finds and declares that to promote the policy of a free and uninhibited flow of commerce as established by federal constitutional and legislative dictate, it is desirable to exempt from property taxation, according to the provisions of RCW 84.36.300, certain parts and equipment coming into the state of Washington to be placed in vehicles which are then transferred to the possession of out-of-state owners. The legislature further recognizes that the temporary existence of these parts and equipment within the state justifies a tax exempt status which serves to encourage the manufacture and assemblage of vehicles within the state thereby promoting increased economic activity and jobs for our residents. [1973 c 149 § 1.]

84.36.370 RESIDENCES--EXEMPTION FROM PERCENTAGE OF TAXES DUE TO EXCESS LEVIES, REGULAR PROPERTY TAX LEVIES--QUALIFICATIONS--SCHEDULE. A person shall be exempt from any legal obligation to pay a percentage of the amount of real property taxes due and payable in 1972 and subsequent years as the result of the levy of additional taxes in excess of regular property tax levies as that term is defined in RCW 84.04.140, as now or hereafter amended, and/or from such regular property tax levies in accordance with the following conditions:

(1) The property taxes must have been imposed upon a residence which has been regularly occupied by the person claiming the exemption during the two calendar years preceding the year in which the exemption claim is filed; or the property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of January 1st of the year for which the claim is filed and the person claiming the exemption must also have been a resident of the state of Washington for the last three calendar years preceding the year in which the claim is filed.

(2) The person claiming the exemption must have owned, at the time of filing, in fee, or by contract purchase, the residence on which the property taxes have been imposed. For purposes of this subsection, a residence owned by a marital community shall be deemed to be owned by each spouse.

(3) The person claiming the exemption must have been sixty-two years of age or older on January 1st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability, except for the purposes of chapters 84.56 and 84.60 RCW, the term real property shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land

owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water or other utilities.

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated, on the basis of the combined income, from all sources whatsoever, of the person claiming the exemption and his or her spouse for the preceding calendar year, in accordance with the following schedule:

Income Range	Percentage of Excess Levies Exemption
\$4,000 or less	One hundred percent
\$4,001 - \$6,000	Fifty percent

PROVIDED, HOWEVER, That, solely with respect to a person within the income range of \$4,000 or less, in the event that taxes due and payable include no excess levies or include excess levies less than \$50.00, the amount of the exemption shall be \$50.00 and the difference shall be attributed pro rata to regular property tax levies of each of the taxing districts: AND PROVIDED FURTHER, That only two-thirds of any social security benefits, federal civil service retirement, or railroad retirement pension shall be considered as income for the purposes of this section. [1973 1st ex.s. c 98 § 1; 1972 ex.s. c 126 § 1; 1971 ex.s. c 288 § 4.]

Effective date, construction--1973 1st ex.s. c 98: "This 1973 amendatory act shall be effective January 1, 1974: PROVIDED, That the exemption provisions of RCW 84.36.370 as last amended by section 1, chapter 126, Laws of 1972 ex. sess. shall remain applicable for the year 1973." [1973 1st ex.s. c 98 § 2.]

84.36.450 LEASEHOLD ESTATES EXEMPTION. The following property shall be exempt from taxation:

(1) All leasehold estates in property owned in fee or held in trust by the government of the United States, or of the state of Washington or any political subdivision thereof, negotiated prior to July 1, 1970, which have not been renegotiated, extended, or renewed since July 1, 1970, and which have a contract rent equal to at least ninety percent of economic rent: PROVIDED, That this exemption shall not apply to leasehold estates in operating properties vested in any company which is assessed and taxed as a public utility pursuant to chapter 84.12 RCW.

(2) All leasehold estates which have a total economic rent of less than one hundred dollars per year.

(3) All leasehold estates in facilities owned or used by a school, college, or university which leaseholds provide housing for students and which are otherwise exempt from taxation under the provisions of RCW 84.36.010 and 84.36.050.

(4) All leasehold estates of subsidized housing where the fee ownership of such property is vested in the government of the United States or the state of Washington or any political subdivision thereof and where an income qualification exists for such housing.

(5) All leasehold estates used for fair purposes of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture where the fee ownership of such property is vested in the government of the United States or the state of Washington or any political subdivision thereof: PROVIDED, That this exemption shall not apply to the leasehold estate of any sublessee of such nonprofit fair association.

(6) All leasehold estates of state forest lands as defined in chapter 76.12 RCW.

(7) All leasehold estates in state property used as a residence by state employees who are required as a condition of employment to live at a state facility or station.

(8) All leasehold estates on any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States.

(9) All leasehold estates held by enrolled Indians of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States and which are not subleased to other than to a lessee which would qualify pursuant to *this 1973 amendatory act. [1973 1st ex.s. c 187 § 11.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 82.29.020.

Severability--Construction--1973 1st ex.s. c 187: See note following RCW 82.29.010.

84.36.455 LEASEHOLD ESTATES AND EDUCATIONAL FACILITIES EXEMPTION--EFFECTIVE IN THE EVENT LEASEHOLD IN LIEU EXCISE TAXES HELD INVALID. If the provisions of *this 1973 amendatory act relative to leasehold in lieu excise taxes are held invalid, the following property shall be exempt from ad valorem taxation:

(1) All leasehold estates in property of the state of Washington or any political subdivision thereof, negotiated prior to July 1, 1970, which have not been renegotiated, extended or renewed since July 1, 1970, and which have a contract rent equal to at least ninety percent of economic rent, and where the lessor has been authorized to make in lieu payments to political subdivisions other than that of the lessor.

(2) All leasehold estates which have a total economic rent of less than one hundred dollars per year.

(3) All facilities owned or used by a school, college, or university which facilities provide housing for students and which are otherwise exempt from taxation under the provisions of RCW 84.36.010 and 84.36.050.

(4) All leasehold estates of subsidized housing where the fee ownership of such property is vested in the government of the United States or the state of Washington or any political subdivision thereof and where an income qualification exists for such housing.

(5) All leasehold estates of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture where the fee ownership of such property is vested in the government of the United States or the state of Washington or any political subdivision thereof: PROVIDED, That this exemption shall not apply to the leasehold estate of any sublessee of such nonprofit fair association.

(6) All leasehold estates of state for-est lands as defined in chapter 76.12 RCW.

(7) All leasehold estates in state property used as a residence by state employees who are required as a condition of employment to live at a state facility or station.

(8) All leasehold estates on any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States.

(9) All leasehold estates held by enrolled Indians of lands owned as held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States and which are not subleased to other than to a lessee which would qualify pursuant to *this 1973 amendatory act. [1973 1st ex.s. c 187 § 14.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 82.29.020.

Severability—Construction—1973 1st ex.s. c 187: See note following RCW 82.29.010.

84.36.460 IMPROVEMENTS OWNED OR BEING ACQUIRED BY SUBLESSEE TAXABLE TO SUCH SUBLESSEE. Notwithstanding any other provision of *this 1973 amendatory act, improvements owned or being acquired by contract purchase, or otherwise by any sublessee shall be taxable to such sublessee. [1973 1st ex.s. c 187 § 15.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 82.29.020.

Severability—Construction—1973 1st ex.s. c 187: See note following RCW 82.29.010.

GENERAL PROVISIONS

84.36.800 DEFINITIONS. As used in *this 1973 amendatory act:

(1) "Church purposes" means the use of real and personal property owned by a nonprofit religious organization for religious worship or related administrative, educational, eleemosynary, and social activities. This definition is to be broadly construed;

(2) "Convent" means a house or set of buildings occupied by a community of clergymen or nuns devoted to religious life under a superior;

(3) "Hospital" means any portion of a hospital building, or other buildings in connection therewith, used as a residence for persons engaged or employed in the operation of a hospital, or operated as a portion of the hospital unit;

(4) "Nonprofit" means an organization, association or corporation no part of the income of which is paid directly or indirectly to its members, stockholders, officers, directors or trustees except in the form of services rendered by the organization, association, or corporation in accordance with its purposes and bylaws and the salary or compensation paid to officers of such organization, association or corporation is for actual services rendered and compares to the salary or compensation of like positions within the public services of the state;

(5) "Parsonage" means a residence occupied by a clergyman who is designated for a particular congregation and who holds regular services therefor. [1973 2nd ex.s. c 40 § 6.]

*Reviser's note: "this 1973 amendatory act" [1973 2nd ex.s. c 40] consists of amendments to RCW 84.36.020, 84.36.030, 84.36.040 and 84.36.060, and to the enactment of RCW 84.36.800-84.36.905.

84.36.805 CONDITIONS FOR OBTAINING EXEMPTIONS BY NONPROFIT ORGANIZATIONS, ASSOCIATIONS OR CORPORATIONS. In order to be exempt pursuant to RCW 84.36.030, 84.36.040, 84.36.050 and 84.36.060, said nonprofit organizations, associations or corporations shall satisfy the following conditions:

(a) The property is used for the actual operation of the activity for which exemption is granted and does not exceed an amount reasonably necessary for that purpose;

(b) The property is irrevocably dedicated to the purpose for which exemption has been granted, and on the liquidation, dissolution, or abandonment by said organization, association, or corporation, said property will not inure directly or

indirectly to the benefit of any shareholder or individual, except a nonprofit organization, association, or corporation which too would be entitled to property tax exemption: PROVIDED, That the provision of this subsection shall not apply to those qualified for exemption pursuant to RCW 84.36.040 if the property used for the purpose stated is either leased or rented;

(c) The facilities and services are available to all regardless of race, color, national origin or ancestry;

(d) The organization, association, or corporation is duly licensed or certified where such licensing or certification is required by law or regulation;

(e) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller shall not qualify for exempt status;

(f) The director of the department of revenue shall have access to its books in order to determine whether such organization, association, or corporation is exempt from taxes within the intent of RCW 84.36.030, 84.36.040, 84.36.050 and 84.36.060. [1973 2nd ex.s. c 40 § 7.]

84.36.810 CESSATION OF USE UNDER WHICH EXEMPTION GRANTED. Upon cessation of a use under which an exemption has been granted pursuant to RCW 84.36.030, 84.36.040, 84.36.050 and 84.36.060, the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the seven years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent property taxes: PROVIDED, That if the cessation of use involves a portion of the total property exemptions the provisions of this section shall apply only to that portion: PROVIDED FURTHER, That such additional tax shall not be imposed if the cessation of use resulted solely from:

(1) Transfer to an organization, association, or corporation for a use which also qualifies and is granted exemption under the provisions of chapter 84.36 RCW;

(2) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(3) Official action by an agency of the state of Washington or by the county or city within which the property is located which disallows the present use of such property;

(4) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the organization, association, or corporation changing the use of such property;

(5) Relocation of the activity and use of another location or site except for undeveloped properties of camp facilities exempted under RCW 84.36.030. [1973 2nd ex.s. c 40 § 8.]

84.36.815 APPLICATION FOR EXEMPTION--REQUIRED--FILING--RENEWAL--SIGNATURE--DUE DATE. In order to qualify or requalify for exempt status for real or personal property pursuant to the provisions of chapter 84.36 RCW, as now or hereafter amended, all foreign national governments, churches, cemeteries, nongovernmental nonprofit corporations, organizations, and associations, private schools or colleges, and soil and water conservation districts must file an annual renewal application verifying the facts in the original claim with the state department of revenue. All application forms shall be signed by an authorized agent of the applicant. Such applications must be filed on forms prescribed by the department of revenue no later than March 31 of each year. The department of revenue may provide by rule that such applications may be available at and filed with each county assessor and forwarded to the department of revenue for review. [1973 2nd ex.s. c 40 § 9.]

84.36.820 APPLICATION FORMS TO BE MAILED TO OWNERS OF EXEMPT PROPERTY--FAILURE TO FILE BEFORE DUE DATE, EFFECT. On or before January 1 of each year, the department of revenue shall mail application forms to owners of record of property exempted from property taxation at their last known address who must make a renewal application for continued exemption. The department of revenue shall notify the assessor of the county in which the property is located who shall remove the tax exemption from any property if an application has not been received for the exemption of such property as required by RCW 84.36.815 on or before the due date: PROVIDED, That the department of revenue shall allow a reasonable extension of time for filing upon written request filed on or before the due date, and for good cause shown therein: PROVIDED FURTHER, That failure to file and subsequent removal of exemption shall not be subject to review as provided in RCW 84.36.850. [1973 2nd ex.s. c 40 § 10.]

84.36.825 APPLICATION FEE--APPLICATIONS FOR 1974 CONSIDERED INITIAL APPLICATIONS. An application fee of thirty-five dollars for each annual application for exemption shall be deposited within the general fund. Applications made for assessment year 1974 will be considered initial applications whether or not an exemption has previously been approved. [1973 2nd ex.s. c 40 § 11.]

84.36.830 REVIEW OF APPLICATIONS FOR EXEMPTION--PROCEDURE--APPROVAL OR DENIAL--NOTICE. The department of revenue shall review each application for exemption and make a determination thereon prior to August 1st of the assessment year for

which such application is made. The department of revenue may request such additional relevant information as it deems necessary. The department of revenue shall make a physical inspection of the property and satisfy itself as to the use of all parcels prior to approving or denying the application, and thereafter at least once each four years. When the department of revenue has examined the application and the subject property, it shall either approve or deny the request and clearly state the reasons for approval or denial in written notification by certified mail to the applicant. The department shall also notify the assessor of the county in which the property is located. The county assessor shall place such property on the assessment roll for the current year. [1973 2nd ex.s. c 40 § 12.]

84.36.835 LIST OF EXEMPT PROPERTIES TO BE PREPARED AND FURNISHED EACH COUNTY ASSESSOR. On or before August 31st, the department of revenue shall prepare a list by county of those properties exempted under *this 1973 amendatory act, and shall forward a list to each county assessor of the property exempt in that county. [1973 2nd ex.s. c 40 § 13.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 84.36.800.

84.36.840 STATEMENTS--REPORTS--INFORMATION--FILING--REQUIREMENTS. In order to determine whether organizations, associations, corporations or institutions except those exempted under RCW 84.36.020 and 84.36.030 are exempt from taxes within the intent of this chapter, and before the exemption shall be allowed for any year, the superintendent or manager or other proper officer of the organization, association, corporation or institution claiming exemption from taxation shall file, with the department of revenue on forms furnished by the director, a signed statement made under oath that the income and the receipts thereof, including donations to it, have been applied to the actual expenses of operating and maintaining it, or for its capital expenditures, and to no other purpose. Such forms shall also include a statement of the receipts and disbursements of said organization: PROVIDED, That institutions claiming exemption under RCW 84.36.050 shall file in addition a list of all property claimed to be exempt, the purpose for which it is used, the revenue derived from it for the preceding year, the use to which such revenue was applied, the number of students in attendance at the school or college, the total revenues of the institution with the source from which they were derived, and the purposes to which such revenues were applied, giving the items of such revenues and expenditures in detail.

Such report shall be submitted on or before April 1st following the close of the accounting period for the fiscal year ended during the previous calendar year. The department of revenue shall remove the tax exemption from the property and assets of any organization, association, corporation, or institution which does not file such report with the department of revenue on or before the due date: PROVIDED, That the department of revenue shall allow a reasonable extension of time for filing upon written request filed on or before the required filing date and for good cause shown therein. [1973 2nd ex.s. c 40 § 14.]

84.36.845 REVOCATION OF EXEMPTION APPROVED OR RENEWED DUE TO INACCURATE INFORMATION. If subsequent to the time that the exemption of any property is initially approved or renewed, it shall be determined that such exemption was approved or renewed as the result of inaccurate information provided by the authorized agent of the applicant, the exemption shall be revoked and taxes shall be levied against such property pursuant to the provisions of RCW 84.36.810. [1973 2nd ex.s. c 40 § 15.]

84.36.850 REVIEW--APPEALS. Any applicant aggrieved by the department of revenue's denial of an exemption application may petition the state board of tax appeals to review an application for either real or personal property tax exemption and the board shall consider any appeals to determine (1) if the property is entitled to an exemption, and (2) the amount or portion thereof.

A county assessor of the county in which the exempted property is located shall be empowered to appeal to the state board of tax appeals to review any real or personal property tax exemption approved by the department of revenue which he feels is not warranted.

Appeals from a department of revenue decision must be made within thirty days of the notification of the approval or denial. [1973 2nd ex.s. c 40 § 16.]

84.36.855 PROPERTY CHANGING FROM EXEMPT TO TAXABLE STATUS--PROCEDURE. Property which changes from exempt to taxable status shall be subject to the provisions of RCW 84.36.810 and RCW 84.40.350 through 84.40.390, and the assessor shall also place the property on the assessment roll for taxes due and payable in the following year. [1973 2nd ex.s. c 40 § 17.]

84.36.860 PUBLIC NOTICE OF PROVISIONS OF ACT. Each county assessor and the director of the department of revenue shall each issue public notice of the provisions of *this 1973 amendatory act in

such a manner as will give constructive notice to all taxpayers of that county or of the state, as the case may be, prior to the first year in which an application for exemption is required by RCW 84.36.815 through 84.36.845. [1973 2nd ex.s. c 40 § 18.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 84.36.800.

84.36.865 RULES AND REGULATIONS. The department of revenue of the state of Washington shall make such rules and regulations consistent with chapter 34.04 RCW and the provisions of *this 1973 amendatory act as shall be necessary or desirable to permit its effective administration. [1973 2nd ex.s. c 40 § 19.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 84.36.800.

84.36.900 SEVERABILITY--1973 2ND EX.S. C 40. If any provision of this 1973 amendatory 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. [1973 2nd ex.s. c 40 § 22.]

84.36.905 EFFECTIVE DATE--CONSTRUCTION--1973 2ND EX.S. C 40. This 1973 amendatory 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, shall take effect immediately and shall be effective for assessment in 1973 for taxes due and payable in 1974. [1973 2nd ex.s. c 40 § 23.]

Chapter 84.40
LISTING OF PROPERTY

84.40.020 ASSESSMENT DATE--AVERAGE INVENTORY BASIS MAY BE USED--PUBLIC INSPECTION OF LISTING, DOCUMENTS AND RECORDS. All real property in this state subject to taxation shall be listed and assessed every year, with reference to its value on the first day of January of the year in which it is assessed. Such listing and all supporting documents and records shall be open to public inspection during the regular office hours of the assessor's office: PROVIDED, That confidential income data is exempted from public inspection pursuant to RCW 42.17.310. All personal property in this state subject to taxation shall be listed and assessed every year, with reference to its value and ownership on the first day of January of the year in which it is assessed: PROVIDED, That if the stock of goods, wares, merchandise or material, whether in

a raw or finished state or in process of manufacture, owned or held by any taxpayer on January 1 of any year does not fairly represent the average stock carried by such taxpayer, such stock shall be listed and assessed upon the basis of the monthly average of stock owned or held by such taxpayer during the preceding calendar year or during such portion thereof as the taxpayer was engaged in business. [1973 c 69 § 1; 1967 ex.s. c 149 § 35; 1961 c 15 § 84.40.020. Prior: (i) 1939 c 137 § 1; 1925 ex.s. c 130 § 8; 1897 c 71 § 6; 1895 c 176 § 3; 1893 c 124 § 6; 1891 c 140 §§ 1, 6; 1890 p 532 § 6; Code 1881 § 2832; 1871 p 40 § 15; 1869 p 180 § 15; 1867 p 62 § 6; 1854 p 332 § 4; RRS § 11112. (ii) 1937 c 122 § 1; 1890 p 532 § 6; RRS 11112-1.]

84.40.030 BASIS OF VALUATION--CRITERION OF VALUE--FACTORS--GROWING CROPS EXCLUDED--MINES, QUARRIES--LEASEHOLD ESTATES (AS AMENDED BY 1973 1ST EX.S. C 187 § 1). All property shall be assessed fifty percent of its true and fair value in money.

Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash without any deductions for any indebtedness owed including rentals to be paid. Notwithstanding any other provisions of this section or of any other statute, when the value of any taxable leasehold estate created prior to January 1, 1971 is being determined for assessment years prior to the assessment year 1973, there shall be deducted from what would otherwise be the value thereof the present worth of the rentals and other consideration which may be required of the lessee by the lessor for the unexpired term thereof: PROVIDED, That the foregoing provisions of this sentence shall not apply to any extension or renewal, made after December 31, 1970 of the term of any such estate, or to any such estate after the date, if any, provided for in the agreement for rental renegotiation.

The true and fair value of real property for taxation purposes (including property upon which there is a coal or other mine, or stone or other quarry) shall be based upon the following criteria:

(1) (a) Any sales of the property being appraised or similar property with respect to sales made within the past five years. The appraisal shall take into consideration political restrictions such as zoning as well as physical and environmental influences. The appraisal shall also take into account, (i) in the use of sales by real estate contract as similar sales, the extent, if any, to which the stated selling price has been increased by reason of the down payment, interest rate, or other financing terms; and (ii) the extent to which the sale of a similar property actually represents the general effective market demand for property of such type, in the geographical area in which such property is located. Sales involving deed

releases or similar seller-developer financing arrangements shall not be used as sales of similar property.

(b) In addition to sales as defined in subsection (1) (a), consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property. In the case of property of a complex nature, or being used under terms of a franchise from a public agency, or operating as a public utility, or property not having a record of sale within five years and not having a significant number of sales of similar property in the general area, the provisions of this subsection (1) (b) shall be the dominant factors in valuation. When provisions of this subsection (1) (b) are relied upon for establishing values the property owner shall be advised upon request of the factors used in arriving at such value.

(c) In valuing any tract or parcel of real property, the value of the land, exclusive of structures thereon shall be determined; also the value of structures thereon, but the valuation shall not exceed the value of the total property as it exists. In valuing agricultural land, growing crops shall be excluded.

PROVIDED, That the provisions of this subsection (1) shall be applicable to all values for use in computing property taxes for the assessment year 1972 for taxes payable in 1973 and subsequent years. [1973 1st ex.s. c 187 § 1; 1972 ex.s. c 125 § 2; 1971 ex.s. c 288 § 1; 1971 ex.s. c 43 § 1; 1961 c 15 § 84.40.030. Prior: 1939 c 206 § 15; 1925 ex.s. c 130 § 52; 1919 c 142 § 4; 1913 c 140 § 1; 1897 c 71 § 42; 1893 c 124 § 44; 1891 c 140 § 44; 1890 p 547 § 48; RRS § 11135. FORMER PART OF SECTION: 1939 c 116 § 1, part, now codified in RCW 84.40.220.]

Severability—Construction—1973 1st ex. sess. c 187: See note following RCW 82.29.010.

Reviser's note: RCW 84.40.030 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

84.40.030 BASIS OF VALUATION—CRITERION OF VALUE—FACTORS—GROWING CROPS EXCLUDED—MINES, QUARRIES—LEASEHOLD ESTATES (AS AMENDED BY 1973 1ST EX.S. C 195 § 96). All property shall be valued at one hundred percent of its true and fair value in money and assessed on the same basis unless specifically provided otherwise by law.

Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash without any

deductions for any indebtedness owed including rentals to be paid. Notwithstanding any other provisions of this section or of any other statute, when the value of any taxable leasehold estate created prior to January 1, 1971 is being determined for assessment years prior to the assessment year 1973, there shall be deducted from what would otherwise be the value thereof the present worth of the rentals and other consideration which may be required of the lessee by the lessor for the unexpired term thereof: PROVIDED, That the foregoing provisions of this sentence shall not apply to any extension or renewal, made after December 31, 1970 of the term of any such estate, or to any such estate after the date, if any, provided for in the agreement for rental renegotiation.

The true and fair value of real property for taxation purposes (including property upon which there is a coal or other mine, or stone or other quarry) shall be based upon the following criteria:

(1) (a) Any sales of the property being appraised or similar property with respect to sales made within the past five years. The appraisal shall take into consideration political restrictions such as zoning as well as physical and environmental influences. The appraisal shall also take into account, (i) in the use of sales by real estate contract as similar sales, the extent, if any, to which the stated selling price has been increased by reason of the down payment, interest rate, or other financing terms; and (ii) the extent to which the sale of a similar property actually represents the general effective market demand for property of such type, in the geographical area in which such property is located. Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of similar property.

(b) In addition to sales as defined in subsection (1) (a), consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property. In the case of property of a complex nature, or being used under terms of a franchise from a public agency, or operating as a public utility, or property not having a record of sale within five years and not having a significant number of sales of similar property in the general area, the provisions of this subsection (1) (b) shall be the dominant factors in valuation. When provisions of this subsection (1) (b) are relied upon for establishing values the property owner shall be advised upon request of the factors used in arriving at such value.

(c) In valuing any tract or parcel of real property, the value of the land, exclusive of structures thereon shall be determined; also the value of structures thereon, but the valuation shall not exceed the value of the total property as it

exists. In valuing agricultural land, growing crops shall be excluded.

PROVIDED, That the provisions of this subsection (1) shall be applicable to all values for use in computing property taxes for the assessment year 1972 for taxes payable in 1973 and subsequent years. [1973 1st ex.s. c 195 § 96; 1972 ex.s. c 125 § 2; 1971 ex.s. c 288 § 1; 1971 ex.s. c 43 § 1; 1961 c 15 § 84.40.030. Prior: 1939 c 206 § 15; 1925 ex.s. c 130 § 52; 1919 c 142 § 4; 1913 c 140 § 1; 1897 c 71 § 42; 1893 c 124 § 44; 1891 c 140 § 44; 1890 p 547 § 48; RRS § 11135. FORMER PART OF SECTION: 1939 c 116 § 1, part, now codified in RCW 84.40.220.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Reviser's note: RCW 84.40.030 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

Cross References:

Improvements owned or being acquired by sublessee taxable to sublessee: RCW 84.36.460.

Leasehold estates exemption: RCW 84.36.450.

Leasehold in lieu excise tax: Chapter 82.29 RCW.

Valuation of leasehold estates in operating properties of public utilities: RCW 82.29.080.

84.40.040 TIME AND MANNER OF LISTING. The assessor shall begin the preliminary work for each assessment not later than the first day of December of each year in all counties in the state. He shall also complete the duties of listing and placing valuations on all property by May 31st of each year, and in the following manner, to wit:

He shall actually determine as nearly as practicable the true and fair value of each tract or lot of land listed for taxation and of each improvement located thereon and shall enter one hundred percent of the value of such land and of the total value of such improvements, together with the total of such one hundred percent valuations, opposite each description of property on his assessment list and tax roll.

He shall make an alphabetical list of the names of all persons in his county liable to assessment of personal property, and require each person to make a correct list and statement of such property according to the standard form prescribed by the department of revenue, which statement and list shall include, if required by the form, the year of acquisition and total original cost of personal property in each

category of the prescribed form, and shall be signed and verified under penalty of perjury by the person listing the property. Such list and statement shall be filed on or before the last day of March, but the assessor, upon written request filed on or before such date and for good cause shown therein, shall allow a reasonable extension of time for filing. The assessor shall on or before the 1st day of January of each year mail a notice to all such persons at their last known address that such statement and list is required, such notice to be accompanied by the form on which the statement or list is to be made: PROVIDED, That the notice mailed by the assessor to each taxpayer each year shall, if practicable, include the statement and list of personal property of the taxpayer for the preceding year. Upon receipt of such statement and list the assessor shall thereupon determine the true and fair value of the property included in such statement and enter one hundred percent of the same in the assessment books opposite the name of the party assessed; and in making such entry in his assessment list, he shall give the name and post office address of the party listing the property, and if the party resides in a city the assessor shall give the street and number or other brief description of his residence or place of business. The assessor may, after giving written notice of his action to the person to be assessed, add to the assessment list any taxable property which, in his judgment, should be included in such list. [1973 1st ex.s. c 195 § 97; 1967 ex.s. c 149 § 36; 1961 c 15 § 84.40.040. Prior: 1939 c 206 § 16, part; 1925 ex.s. c 130 § 57, part; 1897 c 71 § 46, part; 1895 c 176 § 5, part; 1893 c 124 § 48, part; 1891 c 140 § 48, part; RRS § 11140, part.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.40.080 LISTING OMITTED PROPERTY OR IMPROVEMENTS. The assessor, upon his own motion, or upon the application of any taxpayer, shall enter in the detail and assessment list of the current year any property shown to have been omitted from the assessment list of any preceding year, at the valuation of that year, or if not then valued, at such valuation as the assessor shall determine from the preceding year, and such valuation shall be stated in a separate line from the valuation of the current year. Where improvements have not been valued and assessed as a part of the real estate upon which the same may be located, as evidenced by the assessment rolls, they may be separately valued and assessed as omitted property under this section: PROVIDED, That no such assessment shall be made in any case where a bona fide purchaser, encumbrancer, or contract buyer has acquired any interest

in said property prior to the time such improvements are assessed. When such an omitted assessment is made, the taxes levied thereon may be paid within one year of the due date of the taxes for the year in which the assessment is made without penalty or interest: AND PROVIDED FURTHER, That in the assessment of personal property, the assessor shall assess the omitted value not reported by the taxpayer as evidenced by an inspection of either the property or the books and records of said taxpayer by the assessor. [1973 2nd ex.s. c 8 § 1; 1961 c 15 § 84.40.080. Prior: 1951 1st ex.s. c 8 § 1; 1925 ex.s. c 130 § 59; 1897 c 71 § 48; RRS § 11142.]

84.40.085 LIMITATION PERIOD FOR ASSESSMENT OF OMITTED PROPERTY OR VALUE--NOTIFICATION TO TAXPAYER OF OMISSION--PROCEDURE. No omitted property or omitted value assessment shall be made for any period more than three years preceding the year in which the omission is discovered. The assessor, upon discovery of such omission, shall forward a copy of the amended personal property affidavit along with a letter of particulars informing the taxpayer of the findings and of his right of appeal to the county board of equalization. Upon request of either the taxpayer or the assessor, the county board of equalization may be reconvened to act on subject omits. [1973 2nd ex.s. c 8 § 2.]

84.40.320 DETAIL AND ASSESSMENT LISTS TO BOARD OF EQUALIZATION. The assessor shall add up and note the amount of each column in his detail and assessment lists, which he shall have bound in book form in such manner, to be prescribed or approved by the state tax commission, as will provide a convenient and permanent record of assessment. He shall also make, under proper headings, a tabular statement showing the footings of the several columns upon each page, and shall add and set down under the respective headings the total amounts of each column, which he shall attach to the highest numbered assessment book, and on the first Monday of July he shall file the same, properly indexed, with the clerk of the county board of equalization for the purpose of equalization by the said board. Such returns shall be verified by his affidavit, substantially in the following form:

State of Washington, _____
County, ss. _____

I, _____, Assessor
_____, do solemnly swear that the books No. 1 to No. _____, to the last of which this is attached, contain a correct and full list of all the real property (or personal property, as the case may be) subject to taxation in _____ county, so far as I have been able to ascertain the same; and that the assessed value set down in the proper

column, opposite the several kinds and descriptions of property, is in each case one hundred percent of the true and fair value of such property, to the best of my knowledge and belief, and that the footings of the several columns in said books, and the tabular statement returned herewith, are correct, as I verily believe.

_____, Assessor.
Subscribed and sworn to before me this _____ day of _____, 19____.
(L. S.) _____, Auditor of _____ county.

PROVIDED, That the failure of the assessor to attach his certificate shall in nowise invalidate the assessment. After the same has been duly equalized by the county and state board of equalization, the same shall be delivered to the county assessor, who shall then extend the amount as levied by the state and county boards upon the said detail and assessment lists as by law provided. [1973 1st ex.s. c 195 § 98; 1961 c 15 § 84.40.320. Prior: 1937 c 121 § 1; 1925 ex.s. c 130 § 65; 1897 c 71 § 54; 1893 c 124 § 55; 1891 c 140 § 55; 1890 p 552 § 60; RRS § 11148.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.40.340 VERIFICATION BY ASSESSOR OF ANY LIST, STATEMENT, OR SCHEDULE--CONFIDENTIALITY, PENALTY. For the purpose of verifying any list, statement, or schedule required to be furnished to the assessor by any taxpayer, any assessor or his trained and qualified deputy at any reasonable time may visit, investigate and examine any personal property, and for this purpose the records, accounts and inventories also shall be subject to any such visitation, investigation and examination which shall aid in determining the amount and valuation of such property. Such powers and duties may be performed at any office of the taxpayer in this state, and the taxpayer shall furnish or make available all such information pertaining to property in this state to the assessor although the records may be maintained at any office outside this state.

Any information or facts obtained pursuant to this section shall be used by the assessor only for the purpose of determining the assessed valuation of the taxpayer's property: PROVIDED, That such information or facts shall also be made available to the department of revenue upon request for the purpose of determining any sales or use tax liability with respect to personal property, and except in a court action pertaining to penalties imposed pursuant to RCW 84.40.130, to such sales or use taxes, or to the assessment or valuation for tax purposes of the property to which such information and facts relate, shall not be disclosed without the permission of the taxpayer to any

person other than public officers or employees whose duties relate to valuation of property for tax purposes or to the imposition and collection of sales and use taxes, and any violation of this secrecy provision shall constitute a gross misdemeanor. [1973 1st ex.s. c 74 § 1; 1967 ex.s. c 149 § 40; 1961 ex.s. c 24 § 6.]

Chapter 84.48
EQUALIZATION OF ASSESSMENTS

84.48.080 EQUALIZATION OF ASSESSMENTS—TAXES FOR STATE PURPOSES—PROCEDURE—LEVY AND APPORTIONMENT—RECORD.

Annually during the month of August, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

First. The department shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal, so far as possible, to the true and fair value of such class as of January 1st of the current year for the purpose of ascertaining the just amount of tax due from each county for state purposes. Such classification may be on the basis of types of property, geographical areas, or both.

Second. The department shall keep a full record of its proceedings and the same shall be published annually by the department.

Third. The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, and the equalization of values by the department.

The department shall levy the state taxes authorized by law: PROVIDED, That the amount levied in any one year for general state purposes shall not exceed the lawful dollar rate on the dollar of the assessed value of the property of the entire state, which assessed value shall be one hundred percent of the true and fair value of such property in money; and shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the department.

After the completion of the duties hereinabove prescribed, the director of the department shall certify the record of the proceedings of the department under this

section, the tax levies made for state purposes and the apportionment thereof among the counties, to the state auditor. [1973 1st ex.s. c 195 § 99; 1971 ex.s. c 288 § 9; 1961 c 15 § 84.48.080. Prior: 1949 c 66 § 1; 1939 c 206 § 36; 1925 ex.s. c 130 § 70; Rem. Supp. 1949 § 11222; prior: 1917 c 55 § 1; 1915 c 7 § 1; 1907 c 215 § 1; 1899 c 141 § 4; 1897 c 71 § 60; 1893 c 124 § 61; 1890 p 557 § 75. Formerly RCW 84.48.080, 84.48.090 and 84.48.100.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.48.085 EQUALIZATION OF VALUATIONS—PROCEDURE. The board of equalization shall reconvene on the first Monday of August for the purpose of equalizing valuations of real property within the county. Such equalization shall be accomplished in the following manner:

(1) The department of revenue shall certify to the board the ratio of the assessed valuation of locally assessed property in the county to the true and fair value of such property, based upon assessed values established without regard to equalization accomplished pursuant to this section (hereinafter referred to as the "tentative county indicated ratio"). The department shall also certify the ratio of the assessed valuation of locally assessed property in those geographical areas in the county which have been revalued during the year ending May 31st prior to the convening of the board to the true and fair value of such property (hereinafter referred to as the "reevaluation ratio"). If, pursuant to the revaluation program, land alone or improvements alone have been revalued for any assessment year, the revaluation ratio shall be for land alone, or improvements alone, as appropriate, or such combination thereof as is appropriate. The board shall review the revaluation ratio so certified, and may accept, reject, or modify the ratio.

(2) If the revaluation ratio, as determined by the board, exceeds one hundred and fifteen percent of the tentative county indicated ratio, the board shall order the assessor, in accordance with the provisions of RCW 84.41.040, to reduce by a uniform percentage the true and fair values of land, improvements, or both as appropriate, within the geographical areas covered by the revaluation ratio by a uniform percentage such that the revaluation ratio shall equal the tentative county indicated ratio. The board shall also order the assessor to make appropriate similar adjustments to properties valued in the same year. For the purpose of administrative convenience, such reductions may be accomplished, in lieu of actual changes in the assessment rolls, by the assessor certifying to the treasurer

the percentage adjustment for the geographical areas involved, on the basis of which the treasurer shall adjust the amount of taxes otherwise payable. [1973 1st ex.s. c 195 § 100; 1971 ex.s. c 288 § 8.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

84.48.110 TRANSCRIPT OF PROCEEDINGS TO COUNTY ASSESSORS—DELINQUENT TAX FOR SEVENTH PRECEDING YEAR INCLUDED. Within three days after the receipt of the record of the proceedings of the state board of equalization, the office of program planning and fiscal management shall transmit to each county assessor a transcript of the proceedings of the board, specifying the amount to be levied and collected on said assessment books for state purposes for such year, and in addition thereto it shall certify to each county assessor the amount due to each state fund and unpaid from such county for the seventh preceding year, and such delinquent state taxes shall be added to the amount levied for the current year. The office of program planning and fiscal management shall close the account of each county for the seventh preceding year and charge the amount of such delinquency to the tax levy of the current year. All taxes collected on and after the first day of July last preceding such certificate, on account of delinquent state taxes for the seventh preceding year shall belong to the county and by the county treasurer be credited to the current expense fund of the county in which collected. [1973 c 95 § 11; 1961 c 15 § 84.48.110. Prior: 1925 ex.s. c 130 § 71; RRS § 11223; prior: 1899 c 141 § 5; 1897 c 71 § 61; 1893 c 124 § 62; 1890 p 558 § 76.]

84.48.150 VALUATION CRITERIA INCLUDING COMPARATIVE SALES TO BE MADE AVAILABLE TO TAXPAYERS. The assessor shall, upon the request of any taxpayer who petitions the board of equalization for review of a tax claim or valuation dispute, make available to said taxpayer a compilation of comparable sales utilized by the assessor in establishing such taxpayer's property valuation. If valuation criteria other than comparable sales were used, the assessor shall furnish the taxpayer with such other factors and the addresses of such other property used in making the determination of value.

The assessor shall within thirty days of such request but at least ten business days prior to such taxpayer's appearance before the board of equalization make available to the taxpayer the valuation criteria and/or comparables which shall not be subsequently changed or modified by the assessor during review or appeal proceedings unless the assessor has found new

evidence supporting the assessor's valuation, in which situation the assessor shall provide such additional evidence to the taxpayer at least ten business days prior to the hearing on appeal or review proceedings. A taxpayer who lists comparable sales on his notice of appeal shall not thereafter use other comparables during the review of appeal proceedings: PROVIDED, That the taxpayer may change the comparable sales he is using in proceedings subsequent to the county board of equalization only if he provides a listing of such different comparables to the assessor at least five business days prior to such subsequent proceedings: PROVIDED FURTHER, That the board of equalization may waive the requirements contained in the preceding proviso or allow the assessor a continuance of reasonable duration to check the comparables furnished by the taxpayer. [1973 1st ex.s. c 30 § 1.]

Chapter 84.52
LEVY OF TAXES

84.52.010 HOW LEVIED—EFFECT OF CONSTITUTIONAL LIMITATION. (EFFECTIVE UNTIL JANUARY 1, 1974.) All taxes shall be levied or voted in specific amounts, and the rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively: PROVIDED, That when any such county assessor shall find that the aggregate rate of levy on any property will exceed the limitation set forth in RCW 84.52.050 as now or hereafter amended, he shall recompute and establish a consolidated levy in the following manner:

(1) He shall include for extension on the tax rolls the full rates of levy certified to him for state, county, county road districts, city and school district purposes in amounts not exceeding the limitations established by law: PROVIDED, That in the event of a levy made pursuant to RCW 84.34.230, the rates of levy for county, county road district, and school district purposes shall be reduced in such uniform percentages as will result in a consolidated levy by such taxing districts which will be no greater on any property than a consolidated levy by such taxing districts would be if the levy had not been made pursuant to RCW 84.34.230, and

(2) He shall include for extension on the tax rolls the rates percent of the tax levies certified to him by all other taxing districts imposing taxes on such property, other than port districts and public utility districts, reduced by him in such uniform percentages as will bring the consolidated tax levy on such property within the provisions of such limitation. [1973 1st ex.s. c 195 § 146; 1971 ex.s. c 243 § 6; 1970 ex.s. c 92 § 4; 1961 c 15 § 84.52.010. Prior: 1947 c 270 § 1; 1925 ex.s. c 130 § 74; Rem. Supp. 1947 § 11235; prior: 1920 ex.s. c 3 § 1; 1897 c 71 § 62; 1893 c 124 § 63.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.52.010 HOW LEVIED—EFFECT OF CONSTITUTIONAL LIMITATION. (AMENDMENT EFFECTIVE JANUARY 1, 1974.) All taxes shall be levied or voted in specific amounts, and the rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively: PROVIDED, That when any such county assessor shall find that the aggregate rate of levy on any property will exceed the limitation set forth in RCW 84.52.043 and RCW 84.52.050 as now or hereafter amended, he shall recompute and establish a consolidated levy in the following manner:

(1) He shall include for extension on the tax rolls the full rates of levy certified to him for state, county, county road districts, city and school district purposes in amounts not exceeding the limitations established by law: PROVIDED, That in the event of a levy made pursuant to RCW 84.34.230, the rates of levy for county, county road district, and school district purposes shall be reduced in such uniform percentages as will result in a consolidated levy by such taxing districts which will be no greater on any property than a consolidated levy by such taxing districts would be if the levy had not been made pursuant to RCW 84.34.230, and

(2) He shall include for extension on the tax rolls the rates percent of the tax levies certified to him by all other taxing districts imposing taxes on such property, other than port districts and public utility districts, reduced by him in such uniform percentages as will bring

the consolidated tax levy on such property within the provisions of such limitation. [1973 1st ex.s. c 195 § 101; 1971 ex.s. c 243 § 6; 1970 ex.s. c 92 § 4; 1961 c 15 § 84.52.010. Prior: 1947 c 270 § 1; 1925 ex.s. c 130 § 74; Rem. Supp. 1947 § 11235; prior: 1920 ex.s. c 3 § 1; 1897 c 71 § 62; 1893 c 124 § 63.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.52.042 LIMITATIONS UPON REGULAR PROPERTY TAX LEVIES. (EFFECTIVE UNTIL JANUARY 1, 1974.) Within and subject to the limitations imposed by RCW 84.52.050 the regular ad valorem tax levies by the taxing districts hereinafter named upon real and personal property shall be as follows: The levy by any county shall not exceed four mills; the levy by or for any school district shall not exceed eight mills; the levy for any road district shall not exceed five mills; and the levy by or for any city or town shall not exceed seven and one-half mills: PROVIDED FURTHER, That counties of the fifth class and under are hereby authorized to levy from four to five and one-half mills for general county purposes and from three and one-half to five mills for county road purposes if the total levy for both purposes does not exceed nine mills: PROVIDED FURTHER, That counties of the fourth and the ninth class are hereby authorized to levy four and one-half mills until such time as the junior taxing agencies are utilizing all the millage available to them.

Nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district.

It is the intent of the legislature that the provisions of this section shall supersede all conflicting provisions of law including section 24, chapter 299, Laws of 1971 ex. sess. and section 8, chapter 124, Laws of 1972 ex. sess. [1973 1st ex.s. c 195 § 135.]

84.52.043 LIMITATIONS UPON REGULAR PROPERTY TAX LEVIES. (EFFECTIVE JANUARY 1, 1974.) Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows: The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; the levy for any road district shall not exceed two dollars and twenty-

five cents per thousand dollars of assessed value; and the levy by or for any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value: PROVIDED FURTHER, That counties of the fifth class and under are hereby authorized to levy from one dollar and eighty cents to two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes and from one dollar and fifty-seven and one-half cents to two dollars and twenty-five cents per thousand dollars of assessed value for county road purposes if the total levy for both purposes does not exceed four dollars and five cents per thousand dollars of assessed value: PROVIDED FURTHER, That counties of the fourth and the ninth class are hereby authorized to levy two dollars and two and one-half cents per thousand dollars of assessed value until such time as the junior taxing agencies are utilizing all the dollar rates available to them: AND PROVIDED FURTHER, That the total property tax levy authorized by law without a vote of the people shall not exceed nine dollars and fifteen cents per thousand dollars of assessed value. Levies at the rates provided by existing law by or for any port or public utility district shall not be included in the limitation set forth by this proviso.

Nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district.

It is the intent of the legislature that the provisions of this section shall supersede all conflicting provisions of law including section 24, chapter 299, Laws of 1971 ex. sess. and section 8, chapter 124, Laws of 1972 ex. sess. [1973 1st ex.s. c 195 § 134.]

Severability—1973 1st ex.s. c 195: "If any provision of this 1973 amendatory 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." [1973 1st ex.s. c 195 § 153.]

Effective dates and termination dates—1973 1st ex.s. c 195 (as amended by 1973 2nd ex.s. c 4.): "This 1973 amendatory act, chapter 195, Laws of 1973, 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: PROVIDED, That section 9 shall take effect January 1, 1975, and section 133 (3) shall take effect on January 31, 1974: PROVIDED, FURTHER, That section 137 shall not be effective until July 1, 1973, at which time section 136 shall be void and of no effect: PROVIDED, FURTHER, That section 138 shall not be effective until January

1, 1974, at which time section 137 shall be void and of no effect: PROVIDED, FURTHER, That section 139 shall not be effective until July 1, 1974 at which time section 138 shall be void and of no effect, and section 139 shall be null and void and of no further effect on and after January 1, 1975: PROVIDED, FURTHER, That sections 1 through 8, sections 10 through 132, section 133 (1), (2), (4), and (5), and section 134 shall not take effect until January 1, 1974, at which time sections 135, 136, and sections 140 through 151 shall be void and of no effect: PROVIDED, FURTHER, That section 152 shall be void and of no effect on and after January 1, 1975." [1973 2nd ex.s. c 4 § 3; 1973 1st ex.s. c 195 § 154.]

Construction—1973 1st ex.s. c 195: "Sections 135 through 152 of this 1973 amendatory act shall apply to tax levies made in 1973 for collection in 1974, and sections 1 through 134 shall apply to tax levies made in 1974 and each year thereafter for collection in 1975 and each year thereafter." [1973 1st ex.s. c 195 § 155.]

Reviser's note: The foregoing annotations apply to the amendments by 1973 1st ex.s. c 195 to RCW 14.08.290, 17.28.100, 17.28.252, 17.28.260, 27.12.050, 27.12.070, 27.12.150, 27.16.020, 28A.41.130, 28B.20.394, 35.07.180, 35.10.240, 35.10.315, 35.13.172, 35.21.430, 35.23.470, 35.24.350, 35.30.020, 35.31.060, 35.32A.060, 35.33.145, 35.56.190, 35.58.090, 35.58.450, 35.61.210, 35A.14.220, 35A.31.070, 35A.33.145, 35A.40.090, 36.32.350, 36.33.140, 36.33.220, 36.40.090, 36.40.300, 36.47.040, 36.54.080, 36.62.090, 36.68.480, 36.68.520, 36.69.140, 36.82.040, 36.93.110, 41.16.060, 41.26.040, 45.72.050, 45.82.020, 46.68.120, 52.08.030, 52.08.060, 52.16.080, 52.16.120-52.16.140, 52.16.160, 53.06.040, 53.36.020, 53.36.070, 53.36.100, 53.47.040, 54.16.080, 56.04.050, 56.08.110, 56.16.010, 56.16.030, 56.16.040, 56.16.115, 57.04.050, 57.08.110, 57.16.020, 57.16.040, 57.20.010, 57.20.015, 57.20.100, 58.08.040, 65.12.660, 65.12.790, 68.16.230, 70.12.010, 70.32.010, 70.32.090, 70.33.040, 70.35.070, 70.44.060, 70.94.091, 71.20.110, 73.08.080, 76.04.360, 84.04.140, 84.28.090, 84.33.050, 84.33.060, 84.33.080, 84.33.140, 84.34.230, 84.36.270, 84.40.030, 84.40.040, 84.40.320, 84.48.080, 84.48.085, 84.52.010, 84.54.052-84.52.056, 84.52.061, 84.52.063, 84.52.065, 84.55.030-84.55.050, 84.56.180, 85.15.030, 85.15.060, 85.15.070, 85.15.140, 85.18.010, 85.18.030, 85.18.080, 85.18.150, 85.24.250, 85.32.030-85.32.060, 85.32.100-85.32.120, 85.32.210, 85.36.030, 86.12.010, 86.13.010, 86.15.160 and 87.84.070, and to RCW 28A.41.210, 84.52.042 and 84.52.043, and to the repeal of RCW 17.12.070, 17.16.120, 28A.48.110, 74.04.150, 84.52.061 and 84.54.020.

Effective date—1973 2nd ex.s. c 4: "Sections 4 through 6 of this 1973 amendatory act shall be effective on and after January 1, 1974." [1973 2nd ex.s. c 4 § 6.] Sections 4 and 5 are codified in RCW 70.12.010 and 73.08.080, section 6 being set out above.

Emergency—1973 2nd ex.s. c 4: "Except as otherwise in this 1973 amendatory act provided, this 1973 amendatory 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." [1973 2nd ex.s. c 4 § 7.] This 1973 amendatory act consists of RCW 28A.41.130 (as amended by 1973 2nd ex.s. c 4 § 1), 28A.41.210, 70.12.010, 73.08.080 and sections 3, 6 and 7 of 1973 2nd ex.s. c 4 set out above.

84.52.050 LIMITATION OF LEVIES. Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state and all taxing districts, now existing or hereafter created, shall not in any year exceed one percentum of the true and fair value of such property in money: PROVIDED, HOWEVER, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as authorized by law and in conformity with the provisions of Article VII, section 2 (a), (b), or (c) of the Constitution of the state of Washington.

Nothing herein contained shall prohibit the legislature from allocating or reallocating the authority to levy taxes between the taxing districts of the state and its political subdivisions in a manner which complies with the aggregate tax limitation set forth in this section. [1973 1st ex.s. c 194 § 1; 1973 c 2 § 1 (Initiative Measure No. 44). Prior: 1972 ex.s. c 124 § 8; 1971 ex.s. c 299 § 24; 1970 ex.s. c 92 § 5; 1970 ex.s. c 8 § 4; prior: 1969 ex.s. c 262 § 65; 1969 ex.s. c 216 § 1; 1967 ex.s. c 133 § 3; 1961 c 143 § 1; 1961 c 15 § 84.52.050; prior: 1957 c 262 § 1; 1953 c 175 § 1; 1951 2nd ex.s. c 23 § 2; 1951 c 255 § 1, part; 1950 ex.s. c 11 § 1, part; 1945 c 253 § 1, part; 1941 c 176 § 1, part; 1939 c 83 § 1, part; 1939 c 2 (Init. Meas. No. 129); 1937 c 1 (Init. Meas. No. 114); 1935 c 2 (Init. Meas. No. 94); 1933 c 4 (Init. Meas. No. 64); cf. RRS § 11238, 11238-1a, 11238-1b, 11238-1c, 11238-1d; Rem. Supp. 1941 § 11238; Rem. Supp. 1945 § 11238-1e.]

84.52.052 EXCESS LEVIES AUTHORIZED—WHEN—PROCEDURE. (EFFECTIVE UNTIL JANUARY 1, 1974.) The limitations imposed by RCW 84.52.050 through 84.52.056 and RCW 84.52.042, shall not prevent the levy of additional taxes by any taxing district in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, school district, metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and RCW 84.52.042, or RCW 84.55.010 through 84.55.050, when authorized so to do by the electors of such county, school district, metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town in the manner set forth in Article VII, section 2 (a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended, at a special election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the board of county commissioners or other county legislative authority, board of school directors, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no". [1973 1st ex.s. c 195 § 147; 1973 c 3 § 1; 1971 ex.s. c 288 § 26; 1965 ex.s. c 113 § 1; 1963 c 112 § 1; 1961 c 15 § 84.52.052. Prior: 1959 c 304 § 8; 1959 c 290 § 1; 1957 c 58 § 15; 1957 c 32 § 1; 1955 c 93 § 1; 1953 c 189 § 1; 1951 2nd ex.s. c 23 § 3; prior: 1951 c 255 § 1, part; 1950 ex.s. c 11 § 1, part; 1945 c 253 § 1, part; 1941 c 176 § 1, part; 1939 c 83 § 1, part; 1939 c 2 (Init. Meas. No. 129); 1937 c 1 (Init. Meas. No. 114); 1935 c 2 (Init. Meas. No. 94); 1933 c 4 (Init. Meas. No. 64); Rem. Supp. 1945 § 11238-1e, part.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.52.052 EXCESS LEVIES AUTHORIZED--WHEN--PROCEDURE. (AMENDMENT EFFECTIVE JANUARY 1, 1974.) The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, school district, metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and RCW 84.52.043, or RCW 84.55.010 through 84.55.050, when authorized so to do by the electors of such county, school district, metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town in the manner set forth in Article VII, section 2 (a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended, at a special election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the board of county commissioners or other county legislative authority, board of school directors, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no". [1973 1st ex.s. c 195 § 102; 1973 c 3 § 1; 1971 ex.s. c 288 § 26; 1965 ex.s. c 113 § 1; 1963 c 112 § 1; 1961 c 15 § 84.52.052. Prior: 1959 c 304 § 8; 1959 c 290 § 1; 1957 c 58 § 15; 1957 c 32 § 1; 1955 c 93 § 1; 1953 c 189 § 1; 1951 2nd ex.s. c 23 § 3; prior: 1951 c 255 § 1, part; 1950 ex.s. c 11 § 1, part; 1945 c 253 § 1, part; 1941 c 176 § 1, part; 1939 c 83 § 1, part; 1939 c 2 (Init. Meas. No.

129); 1937 c 1 (Init. Meas. No. 114); 1935 c 2 (Init. Meas. No. 94); 1933 c 4 (Init. Meas. No. 64); Rem. Supp. 1945 § 11238-1e, part.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.52.054 EXCESS LEVIES--BALLOT CONTENTS--EVENTUAL DOLLAR RATE ON TAX ROLLS. The additional tax provided for in subparagraph (a) of the seventeenth amendment to the state Constitution as amended by Amendment 59 and specifically authorized by RCW 84.52.052 shall be set forth in terms of dollars on the ballot of the proposition to be submitted to the voters, together with an estimate of the dollar rate of tax levy that will be required to produce the dollar amount; and the county assessor, in spreading this tax upon the rolls, shall determine the eventual dollar rate required to produce the amount of dollars so voted upon, regardless of the estimate of dollar rate of tax levy carried in said proposition. [1973 1st ex.s. c 195 § 103; 1961 c 15 § 84.52.054. Prior: 1955 c 105 § 1.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.52.056 EXCESS LEVIES FOR CAPITAL PURPOSES AUTHORIZED. (EFFECTIVE UNTIL JANUARY 1, 1974.) Any municipal corporation otherwise authorized by law to issue general obligation bonds for capital purposes may, at an election duly held after giving notice thereof as required by law, authorize the issuance of general obligation bonds for capital purposes only, which shall not include the replacement of equipment, and provide for the payment of the principal and interest of such bonds by annual levies in excess of the tax limitations contained in RCW 84.52.050 to 84.52.056, inclusive and RCW 84.52.042. Such an election shall not be held oftener than twice a calendar year, and the proposition to issue any such bonds and to exceed said tax limitation must receive the affirmative vote of a three-fifths majority of those voting on the proposition and the total number of persons voting at such election must constitute not less than forty percent of the voters in said municipal corporation who voted at the last preceding general state election. Any taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitations provided for in RCW 84.52.050 to 84.52.056, inclusive and RCW 84.52.042. [1973 1st ex.s. c 195 § 148; 1961 c 15 § 84.52.056. Prior:

1959 c 290 § 2; 1951 2nd ex.s. c 23 § 4; prior: 1951 c 255 § 1, part; 1950 ex.s. c 11 § 1, part; 1945 c 253 § 1, part; 1941 c 176 § 1, part; 1939 c 83 § 1, part; 1939 c 2 (Init. Meas. No. 129); 1937 c 1 (Init. Meas. No. 114); 1935 c 2 (Init. Meas. No. 94); 1933 c 4 (Init. Meas. No. 64); Rem. Supp. 1945 § 11238-1e, part.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.52.056 EXCESS LEVIES FOR CAPITAL PURPOSES AUTHORIZED. (AMENDMENT EFFECTIVE JANUARY 1, 1974.) Any municipal corporation otherwise authorized by law to issue general obligation bonds for capital purposes may, at an election duly held after giving notice thereof as required by law, authorize the issuance of general obligation bonds for capital purposes only, which shall not include the replacement of equipment, and provide for the payment of the principal and interest of such bonds by annual levies in excess of the tax limitations contained in RCW 84.52.050 to 84.52.056, inclusive and RCW 84.52.043. Such an election shall not be held oftener than twice a calendar year, and the proposition to issue any such bonds and to exceed said tax limitation must receive the affirmative vote of a three-fifths majority of those voting on the proposition and the total number of persons voting at such election must constitute not less than forty percent of the voters in said municipal corporation who voted at the last preceding general state election.

Any taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitations provided for in RCW 84.52.050 to 84.52.056, inclusive and RCW 84.52.043. [1973 1st ex.s. c 195 § 104; 1961 c 15 § 84.52.056. Prior: 1959 c 290 § 2; 1951 2nd ex.s. c 23 § 4; prior: 1951 c 255 § 1, part; 1950 ex.s. c 11 § 1, part; 1945 c 253 § 1, part; 1941 c 176 § 1, part; 1939 c 83 § 1, part; 1939 c 2 (Init. Meas. No. 129); 1937 c 1 (Init. Meas. No. 114); 1935 c 2 (Init. Meas. No. 94); 1933 c 4 (Init. Meas. No. 64); Rem. Supp. 1945 § 11238-1e, part.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.52.061 TAXING DISTRICT EXCESS LEVIES AUTHORIZED BY PROVISIONS OF OTHER LAW. (EFFECTIVE UNTIL JANUARY 1, 1974.) Any taxing district, as defined in RCW 84.04-.120, authorized by provisions of law other than RCW 84.52.052 to levy taxes in

excess of the limitation provided for in Article VII, section 2 of the state Constitution, as amended, or in excess of a statutory millage limitation specifically applicable to such district, is hereby authorized to levy taxes in any year in excess of the applicable general limitation contained in RCW 84.52.050, as now or hereafter amended, or in excess of one-half of such specific statutory millage limitation, under the same conditions applicable to a levy by such district in excess of the limitation or in excess of such specific statutory millage limitation. [1973 1st ex.s. c 195 § 149; 1970 ex.s. c 92 § 8.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.52.061 TAXING DISTRICT EXCESS LEVIES AUTHORIZED BY PROVISIONS OF OTHER LAW. [1970 ex.s. c 92 § 8.] Repealed by 1973 1st ex.s. c 195 § 133, effective January 1, 1974.

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.52.063 RURAL LIBRARY DISTRICT LEVIES. (EFFECTIVE UNTIL JANUARY 1, 1974.) A rural library district may impose a regular property tax levy in an amount equal to that which would be produced by a levy of one mill multiplied by an assessed valuation equal to fifty percent of the true and fair value of the taxable property in the rural library district, as determined by the department of revenue's indicated county ratio: PROVIDED, That when any county assessor shall find that the aggregate rate of levy on any property will exceed the limitation set forth in RCW 84.52.050, as now or hereafter amended, before recomputing and establishing a consolidated levy in the manner set forth in RCW 84.52.010, the assessor shall first reduce the levy of any rural library district, by such amount as may be necessary, but the levy of any rural library district shall not be reduced to less than one mill against the value of the taxable property, as determined by the county, prior to any further adjustments pursuant to RCW 84.52.010. For purposes of this section "regular property tax levy" shall mean a levy subject to the one percentum limitation provided for in Article VII, section 2 of the state Constitution. [1973 1st ex.s. c 195 § 150; 1970 ex.s. c 92 § 9.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.52.063 RURAL LIBRARY DISTRICT LEVIES. (AMENDMENT EFFECTIVE JANUARY 1, 1974.) A rural library district may impose a regular property tax levy in an amount equal to that which would be produced by a levy of fifty cents per thousand dollars of assessed value multiplied by an assessed valuation equal to one hundred percent of the true and fair value of the taxable property in the rural library district, as determined by the department of revenue's indicated county ratio: PROVIDED, That when any county assessor shall find that the aggregate rate of levy on any property will exceed the limitation set forth in RCW 84.52.043 and RCW 84.52.050, as now or hereafter amended, before recomputing and establishing a consolidated levy in the manner set forth in RCW 84.52.010, the assessor shall first reduce the levy of any rural library district, by such amount as may be necessary, but the levy of any rural library district shall not be reduced to less than fifty cents per thousand dollars against the value of the taxable property, as determined by the county, prior to any further adjustments pursuant to RCW 84.52.010. For purposes of this section "regular property tax levy" shall mean a levy subject to the limitations provided for in Article VII, section 2 of the state Constitution and/or by statute. [1973 1st ex.s. c 195 § 105; 1970 ex.s. c 92 § 9.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

84.52.065 STATE LEVY FOR SUPPORT OF COMMON SCHOOLS. In each year the state shall levy for collection in the following year for the support of common schools of the state a tax of three dollars and sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue. [1973 1st ex.s. c 195 § 106; 1971 ex.s. c 299 § 25; 1969 ex.s. c 216 § 2; 1967 ex.s. c 133 § 1.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

Chapter 84.54
ADDITIONAL LIMITATIONS ON REGULAR PROPERTY TAX REVENUES

84.54.020 LIMITATIONS ON REGULAR PROPERTY TAX LEVY. [1970 ex.s. c 92 § 7; 1967 ex.s. c 146 § 2; 1965 ex.s. c 174 § 2.] Repealed by 1973 1st ex.s. c 195 § 133, effective January 1, 1974.

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

Chapter 84.55
LIMITATIONS UPON REGULAR PROPERTY TAXES

84.55.010 LIMITATIONS PRESCRIBED—RES-TORATION OF REGULAR LEVY. (EXPIRES DECEMBER 31, 1978.) Except as provided in RCW 84.55.020 through 84.55.050, the levy in 1973 and years subsequent thereto for a taxing district other than the state or a school district in any year shall be set so that the regular property taxes payable in the following year shall not exceed one hundred six percent of the amount of regular property taxes lawfully levied for such district in the highest of the three most recent years in which such taxes were levied for such district plus an additional dollar amount calculated by multiplying the increase in assessed value in that district resulting from new construction and improvements to property by the regular property tax levy rate of that district for the preceding year: (PROVIDED, That if a taxing district has not levied in the three most recent years and elects to restore a regular property tax levy subject to applicable statutory limitations then such first restored levy shall be set so that the regular property tax payable shall not exceed the amount which could have been lawfully levied in 1973, plus an additional dollar amount calculated by multiplying the increase in assessed value in the district since 1973 resulting from new construction and improvements to property by the property tax rate which is proposed to be restored, or the maximum amount which could be lawfully levied in the year such a restored levy is proposed.) [1973 1st ex.s. c 67 § 1; 1971 ex.s. c 288 § 20.]

Expiration—1973 1st ex.s. c 67: "The provisions of this act shall expire on December 31, 1978." [1973 1st ex.s. c 67 § 2.]

84.55.030 LIMITATION UPON FIRST LEVY FOLLOWING ANNEXATION. For the first levy for a taxing district following annexation of additional property, the limitation set forth in RCW 84.55.010 shall be increased by an amount equal to (1) the aggregate assessed valuation of the newly annexed property as shown by the current completed and balanced tax rolls of the county or counties within which such property lies, multiplied by (2) the dollar rate that would have been used by the annexing unit in the absence of such annexation, plus (3) the additional dollar amount calculated by multiplying the increase in assessed value in the annexing district resulting from new constructions and improvements to property by the regular property tax levy

rate of that annexing taxing district for the preceding year. [1973 1st ex.s. c 195 § 107; 1971 ex.s. c 288 § 22.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.55.040 INCREASE IN STATUTORY MILLAGE LIMITATION. (EFFECTIVE UNTIL JANUARY 1, 1974.) If by reason of the operation of RCW 84.52.050 and RCW 84.52.042, as now or hereafter amended the statutory millage limitation applicable to the levy by a taxing district has been increased over the statutory millage limitation applicable to such taxing district's levy in the preceding year, the limitation on the dollar amount of a levy provided for in this chapter shall be increased by multiplying the otherwise dollar limitation by a fraction, the numerator of which is the increased millage limitation and the denominator of which is the millage limitation for the prior year. [1973 1st ex.s. c 195 § 151; 1971 ex.s. c 288 § 23.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.55.040 INCREASE IN STATUTORY DOLLAR RATE LIMITATION. (AMENDMENT EFFECTIVE JANUARY 1, 1974.) If by reason of the operation of RCW 84.52.043 and RCW 84.52.050, as now or hereafter amended the statutory dollar rate limitation applicable to the levy by a taxing district has been increased over the statutory millage limitation applicable to such taxing district's levy in the preceding year, the limitation on the dollar rate amount of a levy provided for in this chapter shall be increased by multiplying the otherwise dollar limitation by a fraction, the numerator of which is the increased dollar limitation and the denominator of which is the dollar limitation for the prior year. [1973 1st ex.s. c 195 § 108; 1971 ex.s. c 288 § 23.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.55.050 ELECTION TO AUTHORIZE INCREASE IN REGULAR PROPERTY TAX LEVY--PROCEDURE. Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in RCW 84.55.010 through 84.55.040 if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within

the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made. The ballot of the proposition shall state the dollar rate proposed. After a levy authorized pursuant to this section is made, the dollar amount of such levy shall be used for the purpose of computing the limitations for subsequent levies provided for in this chapter. [1973 1st ex.s. c 195 § 109; 1971 ex.s. c 288 § 24.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 84.56 COLLECTION OF TAXES

84.56.180 TRANSIENT TRADER, TAXATION OF MERCHANDISE OF. Whenever any person, firm or corporation, shall, subsequent to the first day of January of any year, bring or send into any county from outside the state any stock of goods or merchandise to be sold or disposed of in a place of business temporarily occupied for their sale, without the intention of engaging in permanent trade in such place, the owner, consignee or person in charge of the said goods or merchandise shall immediately notify the county assessor, and thereupon the assessor shall at once proceed to value the said stock of goods and merchandise at its true value, and upon one hundred percent of such valuation the said owner, consignee or person in charge shall pay to the collector of taxes a tax at the rate assessed for state, county and local purposes in the taxing district in the year then current. And it shall not be lawful to sell or dispose of any such goods or merchandise as aforesaid in such taxing district until the assessor shall have been so notified as aforesaid and the tax assessed thereon paid to the collector. Every person, firm or corporation bringing into any county of this state from outside the state any goods or merchandise after the first day of January shall be deemed subject to the provisions of this section.

This section shall not apply to goods or merchandise consigned to a person for sale at such person's permanent place of business within this state, if such person is required to list such goods or merchandise pursuant to RCW 84.40.185. [1973 1st ex.s. c 195 § 110; 1969 ex.s. c 124 § 5; 1961 c 15 § 84.56.180. Prior: 1939 c 206 § 46; 1925 ex.s. c 130 § 105; RRS § 11266; prior: 1899 c 141 § 12; 1897 c 71 § 84.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

84.56.230 MONTHLY DISTRIBUTION OF TAXES COLLECTED. On the first day of each month the county treasurer shall distribute pro rata, according to the rate of levy for each fund, the amount collected as consolidated tax during the preceding month, and shall certify the same to the county auditor: PROVIDED, HOWEVER, That the county treasurer, at his option, may distribute the total amount of such taxes collected according to the ratio that the levy of taxes made for each taxing district in the county bears to such total amount collected. On or before the tenth day of each month the county treasurer shall turn over to the respective city treasurers the cities' pro rata share of all taxes collected for the previous month and take receipts therefor in duplicate, and shall certify to the city comptroller or other accounting officer of each such city the amount of such taxes so collected and turned over, and shall deliver with such certificate one copy of the receipt of the city treasurer therefor. [1973 1st ex.s. c 43 § 1; 1961 c 15 § 84.56.230. Prior: 1925 ex.s. c 130 § 93; RRS § 11254; prior: 1890 p 564 § 95.]

84.56.300 ANNUAL REPORT OF COLLECTIONS TO COUNTY AUDITOR. On the first Monday of January of each year the county treasurer shall balance up the tax rolls in his hands and with which he stands charged on the roll accounts of the county auditor. He shall then report to the county auditor in full the amount of taxes he has collected and specify the amount collected on each fund. He shall also report the amount of taxes that remain uncollected and delinquent upon the tax rolls, which, with his collection and credits on account of errors and double assessments, should balance his roll accounts as he stands charged. He shall then report the amount of collections on account of interest since the taxes became delinquent, and as added by him to the original amounts when making such collections, and with which he is now to be charged by the auditor, such reports to be duly verified by affidavit. [1973 1st ex.s. c 45 § 1; 1961 c 15 § 84.56.300. Prior: 1925 ex.s. c 130 § 98; RRS § 11259; prior: 1899 c 141 § 10; 1897 c 71 § 77; 1895 c 176 § 18; 1893 c 124 § 78; 1890 p 565 § 99.]

Chapter 84.69
REFUNDS

84.69.050 REFUND WITH RESPECT TO AMOUNTS PAID STATE. The part of the refund representing amounts paid to the state shall be paid from the county general fund and the state auditor shall, upon the next succeeding settlement with the county, certify this amount refunded to the county: PROVIDED, That when a state-

wide refund of tax funds pursuant to state levies is required, the state auditor and department of revenue shall authorize adjustment procedures whereby counties may deduct from property tax remittances to the state the amount required to cover the state's portion of the refunds. [1973 2nd ex.s. c 5 § 1; 1961 c 15 § 84.69.050. Prior: 1957 c 120 § 5.]

84.69.060 REFUNDS WITH RESPECT TO COUNTY AND STATE TAXES. Refunds ordered under this chapter with respect to county and state taxes shall be paid by checks drawn upon the appropriate fund by the county treasurer: PROVIDED, That in making refunds on a county or district wide basis, the county treasurer may make an adjustment on the next property tax payment due for the amount of the refund unless the taxpayer requests immediate refund. [1973 2nd ex.s. c 5 § 2; 1961 c 15 § 84.69.060. Prior: 1957 c 120 § 6.]

84.69.070 REFUNDS WITH RESPECT TO TAXING DISTRICTS—ADMINISTRATIVE EXPENSES—DISPOSITION OF FUNDS UPON EXPIRATION OF REFUND ORDERS. Refunds ordered with respect to taxing districts shall be paid by checks drawn by the county treasurer upon such available funds, if any, as the taxing districts may have on deposit in the county treasury, or in the event such funds are insufficient, then out of funds subsequently accruing to such taxing district and on deposit in the county treasury. When such refunds are made as a result of taxes paid under levies or statutes adjudicated to be illegal or unconstitutional all administrative costs including interest paid on the refunds incurred by the county treasurer in making such refunds shall be a charge against the funds of such districts and/or the state on a pro rata basis until the county current expense fund is fully reimbursed for the administrative expenses incurred in making such refund: PROVIDED, That whenever orders for refunds of ad valorem taxes promulgated by boards of county commissioners and unpaid checks shall expire and become void as provided in RCW 84.69.110, then any moneys remaining in a refund account established by the county treasurer for any taxing district may be transferred by the county treasurer from such refund account to the county current expense fund to reimburse the county for the administrative expense incurred in making refunds as prescribed herein. Any excess then remaining in the taxing district refund account may then be transferred by the county treasurer to the current expense fund of the taxing district for which the tax was originally levied and collected. [1973 2nd ex.s. c 5 § 3; 1963 c 114 § 1; 1961 c 270 § 2; 1961 c 15 § 84.69.070. Prior: 1957 c 120 § 7.]

84.69.100 REFUNDS SHALL INCLUDE INTEREST—WRITTEN PROTESTS NOT REQUIRED. Refunds of taxes made pursuant to RCW 84.69.010 through 84.69.090 shall include interest at the rate of five percent per annum from the date of collection of the portion refundable or from the date of claim for refund, whichever is later: PROVIDED, That refunds on a state, county, or district wide basis during 1973 shall not commence to accrue interest until six months following the date of the final order of the court. No written protest by individual taxpayers need to be filed to receive a refund pursuant to *this 1973 amendatory act. [1973 2nd ex.s. c 5 § 4; 1961 c 15 § 84.69.100. Prior: 1957 c 120 § 10.]

*Reviser's note: "this 1973 amendatory act" consists of amendments to RCW 84.69-.050, 84.69.060, 84.69.070 and 84.69.100 by 1973 2nd ex.s. c 5.

TITLE 85
DIKING AND DRAINAGE

Sections added, amended, or repealed:

Chapter 85.15 Diking, Drainage, Sewerage Improvement Districts—Maintenance and Expansion—1967 Act.

- 85.15.030 Property roll—Basis and requisites—Separate levies for prior indebtedness.
85.15.060 Reexamination of properties on roll—Adjustment, periodic revision, of valuations.
85.15.070 Roll constitutes valuations against which levy made and collected—Hearing on adjustments.
85.15.140 Levy is for continuous benefits to protected property.

Chapter 85.18 Levy for Continuous Benefits—Diking Districts.

- 85.18.010 Levy for continuous benefits authorized—Base benefits.
85.18.030 Hearing on roll—Determining continuous base benefit.
85.18.080 Roll to provide basis for levy.
85.18.150 Levy is for continuous benefits only.

Chapter 85.24 Diking and Drainage Districts in Two or More Counties.

- 85.24.250 Municipality may contribute.

Chapter 85.32 Drainage District Revenue Act of 1961.

- 85.32.030 Powers of board in general.
85.32.040 Initial determination—Roll—Resolution, contents.
85.32.050 Contents of roll—Assessed, equalized value prima facie

correct—Separate levies for prior indebtedness—Adjustment of roll.

- 85.32.060 Notice of hearing—Contents.
85.32.100 Reexamination of properties—Supplemental roll—Certification and filing.
85.32.110 Roll is base for benefits against which levy made.
85.32.120 Levy for outstanding indebtedness.
85.32.210 Levies are for continuous benefits.

Chapter 85.36 Consolidation of Districts.

- 85.36.030 Assessment of benefits.

Chapter 85.15

DIKING, DRAINAGE, SEWERAGE IMPROVEMENT DISTRICTS—MAINTENANCE AND EXPANSION—1967 ACT

85.15.030 PROPERTY ROLL—BASIS AND REQUISITES—SEPARATE LEVIES FOR PRIOR INDEBTEDNESS. To operate under this chapter, the board of commissioners of the improvement district shall cause to be prepared and filed with the board of county commissioners a property roll. The roll shall contain: (1) A description of all properties benefited and improvements thereon which receive protection and service from the systems of the district with the name of the owner or the reputed owner thereof and his address as shown on the tax rolls of the assessor or treasurer of the county wherein the property is located and (2) the determined value of such land and improvements thereon as last assessed and equalized by the assessor of such county or counties. Such assessed and equalized values shall be deemed prima facie to be just, fair and correct valuations against which annual taxes shall be levied for the operation of the district and the maintenance and expansion of its facilities.

If property outside of the limits of the original district are upon the roll as adopted ultimately, and the original district has outstanding bonds or long-term warrants, the board of county commissioners shall set up separate dollar rate levies for the full retirement thereof. [1973 1st ex.s. c 195 § 111; 1967 c 184 § 4.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

85.15.060 REEXAMINATION OF PROPERTIES ON ROLL—ADJUSTMENT, PERIODIC REVISION, OF VALUATIONS. The board of county commissioners may at any time reexamine the properties on any roll, and upon receipt

of a petition from the board of supervisors of the district or the written request of a property owner shall do so. If it is found that the condition of such property or properties has changed so that such property should be eliminated from any rolls on file, or the valuation against which dollar rate is levied should be lowered, it shall so determine and enter an order adjusting the valuation as to such properties and shall certify and file a copy thereof with the treasurer of the county wherein the property is situated, and the treasurer shall alter and change the existing rolls accordingly. Valuations may be revised periodically to reflect changes in real property valuations by the county assessor. [1973 1st ex.s. c 195 § 112; 1967 c 184 § 7.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

85.15.070 ROLL CONSTITUTES VALUATIONS AGAINST WHICH LEVY MADE AND COLLECTED--HEARING ON ADJUSTMENTS. The roll approved and certified to the county officers by the board of county commissioners as in this chapter provided shall constitute the valuations of land, buildings and improvements furnished protection and services by the systems of the district against which valuation taxes shall be levied and collected annually in the same manner as general taxes for the continuing operations of the district and its systems. The valuations on said roll shall be subject to adjustment from time to time in the manner provided in RCW 85.15.060.

The board of county commissioners shall hold a hearing on such adjustments at the county seat at the time of equalization of real property assessments for the purpose of considering written objections to any revision of valuations filed at least ten days prior to the hearing and shall give published notice only of such hearing as provided in RCW 85.15.040. [1973 1st ex.s. c 195 § 113; 1967 c 184 § 8.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

85.15.140 LEVY IS FOR CONTINUOUS BENEFITS TO PROTECTED PROPERTY. The dollar rate levies collected from time to time under this chapter are solely assessments for benefits received continuously by the protected properties, calculated in the manner specified in this chapter as a just and equitable way for all protected property to share the expense of such required protection and services. [1973 1st ex.s. c 195 § 114; 1967 c 184 § 15.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 85.18
LEVY FOR CONTINUOUS BENEFITS--DIKING
DISTRICTS

85.18.010 LEVY FOR CONTINUOUS BENEFITS AUTHORIZED--BASE BENEFITS. When any diking district has been organized and the improvements made afford protection to land and buildings within such district against damage or destruction from overflow waters in that the level of the land and of the foundational structures of buildings thereon is below the water level at flood or high tide stages of the waters, fresh or salt, against which such district improvements furnished protection, the board of diking commissioners of such district may, under the procedure established in this chapter, determine such fact and by resolution so declare; and may provide that the cost of continued functioning of the district shall be paid through levies of dollar rates made and collected according to this chapter against the land and buildings thus protected, based upon the determined base benefits received by such land and buildings. [1973 1st ex.s. c 195 § 115; 1951 c 45 § 2.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

85.18.030 HEARING ON ROLL--DETERMINING CONTINUOUS BASE BENEFIT. After the roll is prepared the board shall give notice of a time and place at which the board will hold a public hearing to determine whether the facts and conditions heretofore recited in this chapter as a prerequisite to its application do or do not exist, and if so found to exist by said board at said hearing, then the board shall by resolution so declare. The notice shall also state that at said hearing, or any continuance thereof, the board will sit to consider said roll and to determine the continuous base benefits which each of the properties thereon are receiving and will receive from the continued operation and functioning of such district, which shall in no instance exceed one hundred percent of the true and fair value of such property in money, will consider all objections made thereto or to any part thereof, and will correct, revise, lower, change, or modify such roll as shall appear just and equitable; that when correct benefits are fixed upon said roll by said board, it will adopt said roll by resolution as establishing, until modified as hereinafter provided, the continuous base benefit to said protected lands and buildings against which will be levied and collected dollar rates to provide funds for the continuous functioning of said district. [1973 1st ex.s. c 195 § 116; 1951 c 45 § 4.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

85.18.080 ROLL TO PROVIDE BASIS FOR LEVY. Until further modified, amended, or changed by an additional or supplemental roll certified to the county auditor after the foregoing procedure is had, the original roll, as modified or supplemented, if the same is done, shall serve as the base of benefits to the land and buildings protected by the improvement system of said district against which dollar rate is levied and collected from time to time for the continued functioning of said diking district. [1973 1st ex.s. c 195 § 117; 1951 c 45 § 9.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

85.18.150 LEVY IS FOR CONTINUOUS BENEFITS ONLY. The dollar rate levy returns collected from time to time under this chapter are solely assessments for benefits received continuously by the protected properties, calculated in the manner specified in this chapter as a just and equitable way for all protected property to share the expense of such required protection. [1973 1st ex.s. c 195 § 118; 1951 c 45 § 16.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

Chapter 85.24

DIKING AND DRAINAGE DISTRICTS IN TWO OR MORE COUNTIES

85.24.250 MUNICIPALITY MAY CONTRIBUTE. Whenever it shall appear to the city council of any incorporated city or town not included or not wholly included within the limits of any diking or drainage district established hereunder, which incorporated city or town may be within a county in which a portion of such district is located that the construction and maintenance of such diking and drainage system will be beneficial to the health of the inhabitants of said incorporated city and to the general welfare of the said city, then the city council of said city is hereby empowered and authorized to appropriate such amount of money out of the general funds of the city as may to the city council seem proper and just to such diking and drainage system, or the city council may for such purpose levy an assessment upon all the property in said city subject to taxation by said city, which shall not exceed twelve and one-half cents per thousand dollars of assessed

value of property. [1973 1st ex.s. c 195 § 119; 1909 c 225 § 19; RRS § 4379.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

Chapter 85.32

DRAINAGE DISTRICT REVENUE ACT OF 1961

85.32.030 POWERS OF BOARD IN GENERAL. The board may: (1) Make initial determination that the district's facilities furnish benefit to improvements upon land as well as land alone within the district in protecting against and furnishing run-off for surface and/or flood waters; (2) Make initial determination that lands and improvements thereon outside of the territorial limits of the district are receiving a service from the facilities of the district, and are benefited thereby in that waters from such lands through ditches, drains, or other artificial methods, other than by natural flow or seepage, are so cast as to have outlet through the district's facilities; (3) Determine that properties so found to be served should pay a just proportion of the operational and maintenance costs of the district; (4) In connection with so finding, cause a roll of property thus served and benefited by the district's facilities to be prepared and filed with it, and give notice of a hearing thereon as provided in this chapter; (5) Hold public hearings to determine the ultimate facts and approve an ultimate roll of properties served and benefited by the facilities of the district and valuations thereof to serve as a basis against which annual dollar rate levy may be assessed for continuous benefits furnished such properties; make revision thereof as the facts warrant from time to time; provide for the levying of such dollar rate levy; and make return of such roll finally adopted by certifying and filing a copy thereof with the auditor, assessor and treasurer of the county wherein the properties involved are located. [1973 1st ex.s. c 195 § 120; 1961 c 131 § 4.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

85.32.040 INITIAL DETERMINATION—ROLL—RESOLUTION, CONTENTS. In the initial instance, when the board of any district, desires to use the method and procedure provided in this chapter, and in order that uniformity may be had, it may cause a roll of all properties within the district claimed to be benefited by its drainage system, and in addition or as a part thereof, a roll of all properties outside of the territorial limits of said

district claimed to be served and benefited by the drainage systems of said district, to be prepared and filed with it. Thereupon, the board shall by resolution declare:

(1) That it has made initial determination that the district's facilities are furnishing and will furnish service and benefit to the properties, including improvements thereon, described in such roll;

(2) That such roll has been filed with it and will remain so filed and open to inspection by any party interested therein at all reasonable times;

(3) That a public hearing will be held by the board at a time and place stated to give consideration to the facts and make ultimate determination of the same and to said roll;

(4) That when said roll is finally adopted, annual dollar rate levies will be made by the district against said properties based upon the valuation thereof as shown on said roll when ultimately adopted to raise money based on benefit and service for the continuous operation and maintenance of said district;

(5) That at the time of hearing, it will hear all objections filed and will review, adopt, modify, or revise said roll consistent with existing facts to the end that property receiving service and benefit from the facilities of the district shall pay justly and equitably therefor in proportion to benefit received and;

(6) That upon said hearing or adjournments thereof, the board will determine the ultimate facts concerning service and benefit received by all properties ultimately contained in said roll and as to such properties it will adopt the roll in final form and proceed as in this chapter provided. [1973 1st ex.s. c 195 § 121; 1961 c 131 § 5.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

85.32.050 CONTENTS OF ROLL—ASSESSED, EQUALIZED VALUE PRIMA FACIE CORRECT—SEPARATE LEVIES FOR PRIOR INDEBTEDNESS—ADJUSTMENT OF ROLL. The roll of properties referred to in this chapter shall contain (1) a description of all properties and improvements thereon, with the name of the owner or the reputed owner thereof and his address as shown on the tax rolls of the assessor or treasurer of the county wherein the property is located, and (2) the determined value of such land and improvements thereon as last assessed and equalized by the taxing agencies of such county. Such assessed and equalized values shall be deemed prima facie as a just, fair and correct base of value for consideration by the board in its determination ultimately of the just and correct base of value in each instance against which annual dollar rates shall be levied by the

district for the operation of the district and the expansion and maintenance of its facilities.

If property outside of the territorial limits of the district are upon the roll as adopted ultimately, and the district has prior indebtedness existing, the board shall set up separate dollar rate levies for the retirement thereof until it is extinguished, which levies shall be applied solely against the properties within the territorial limits of the district. Adjustments of the roll shall be made before final adoption in such a manner that the money raised through annual dollar rate levies for maintenance, expansion and operational costs of the district in no instance shall exceed the value of the service rendered or to be rendered and the benefit received and to be received by the property involved. [1973 1st ex.s. c 195 § 122; 1961 c 131 § 6.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

85.32.060 NOTICE OF HEARING—CONTENTS. When the board causes a property roll to be filed with it and a hearing to be held thereon as provided in this chapter, it shall give notice of such hearing in the following manner:

The notice shall be published at least three times in consecutive issues in a weekly newspaper, or once a week for three consecutive weeks in a daily newspaper, published in or near said district, and if there is more than one such paper, then in some paper chosen by the board having general circulation in the area involved. The last publication shall be more than fifteen days prior to date of hearing. The board also shall cause a copy of such notice to be mailed in regular course of the federal mail at least thirty days prior to the date of such hearing to the owner or reputed owner of such property at his address, all as shown on the tax rolls or records of the county taxing agencies of the county wherein the property is situated, such notice being deemed adequate and sufficient. The sworn affidavit of the one doing such mailing shall be deemed conclusive of the fact that such notice was mailed.

Such notice shall state the following:

(1) That the board has tentatively determined that the property of the owner or reputed owner named is receiving and will receive service and benefit from the facilities of the district;

(2) That the board has caused a tentative roll of such properties with any improvements thereon which are receiving and will receive such service and benefit to be filed with it; and that such roll shows a base of valuation thereon for said properties against which annual dollar rates will be levied and collected in the same manner as general taxes to pay the

fair value of the benefit and service received and to be received by such property through use of the facilities of the district, and to pay the annual cost of operation, development and maintenance of the district and its facilities;

(3) That on a date, time and place stated, the board will give consideration to the facts and the roll, will hear all objections filed, will review said roll and alter, modify, or change the same consistent with facts established and with equity and fair dealing concerning the properties involved to the end that just levies will be made for service and benefits received and to be received against each property for the purposes mentioned; and at the hearing or continuance thereof, it will adopt the roll in final form and certify and file a copy thereof with the assessor and treasurer of the county wherein the property is located; and will cause annual millage to be levied against such established valuations for the purposes stated;

(4) That all persons desiring to object to the proceedings, to the proposed base valuations, or to any other thing or matter in connection with the proceedings, must file written objections with the board stating clearly the basis of such objection before the time of the hearing, or all objections will be deemed waived. [1973 1st ex.s. c 195 § 123; 1961 c 131 § 7.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

85.32.100 REEXAMINATION OF PROPERTIES--SUPPLEMENTAL ROLL--CERTIFICATION AND FILING. The board may at any time reexamine the properties on any roll, and upon request of an owner shall do so, and if it is found that the condition of such property or properties has changed so that justly such property should be eliminated from any rolls on file, or the base against which dollar rate is levied should be lowered, it shall so determine and make a supplemental roll with reference to such property or properties. When adopted by it, the board shall certify and file a copy thereof with the auditor, assessor and treasurer of the county wherein the property is situated, and such officer shall alter and change the existing rolls accordingly. [1973 1st ex.s. c 195 § 124; 1961 c 131 § 11.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

85.32.110 ROLL IS BASE FOR BENEFITS AGAINST WHICH LEVY MADE. The roll certified to the county officers as in this chapter provided, and any modification

thereof as provided, shall serve as the base of benefits as to land, buildings and improvements furnished service and benefit by the systems of the district against which valuations dollar rates shall be levied and collected in the same manner as general taxes from time to time for the continuing functioning of the district and its systems. The dollar rate shall be levied in the manner required by law for dollar rate levies by drainage districts. [1973 1st ex.s. c 195 § 125; 1961 c 131 § 12.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

85.32.120 LEVY FOR OUTSTANDING INDEBTEDNESS. If any property outside of the territorial limits of the district is placed upon a roll as finally adopted, and at the time such property becomes subject to charge for service and benefit from the district's system, there is an existing outstanding indebtedness owing by the district, the board shall make a separate estimate of the revenue required to be raised to pay or apply upon such indebtedness until it is extinguished, and it shall proceed and certify the same as hereinabove provided, and no dollar rate for raising revenue to extinguish such indebtedness shall be included in the levies made against any properties lying outside of the territorial limits of said district.

When thus levied, the amount of assessment produced thereby shall be added by the general taxing authorities to the general taxes against said lands and collected therewith as a part thereof. If unpaid, any delinquencies in such assessments shall bear interest at the same rate and in the same manner as general taxes and they shall be included in and be made a part of any general tax foreclosure proceedings according to the provisions of law with relation to such foreclosures. As assessment collections are made, the county treasurer shall credit same to the funds of such district. [1973 1st ex.s. c 195 § 126; 1961 c 131 § 13.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

85.32.210 LEVIES ARE FOR CONTINUOUS BENEFITS. The dollar rate levy returns collected from time to time under this chapter are solely assessments for benefits received continuously by the benefited properties, calculated in the manner specified in this chapter as a just and equitable way for all benefited property to share the expense of such required service. [1973 1st ex.s. c 195 § 127; 1961 c 131 § 22.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 85.36
CONSOLIDATION OF DISTRICTS

85.36.030 ASSESSMENT OF BENEFITS. For the purpose of proportionately assessing the benefits of any project constructed, maintained, or operated by any diking district or drainage district, benefit assessments proportioned in a direct relationship to the assessed valuation as last equalized for general tax purposes of the lands benefited shall be deemed prima facie to be fair and correct valuations against which annual dollar rates shall be levied. [1973 1st ex.s. c 195 § 128; 1967 c 154 § 4.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

TITLE 86
FLOOD CONTROL

Sections added, amended, or repealed:

Chapter 86.12 Flood Control by Counties.

86.12.010 County tax for river improvement fund—Flood control maintenance account.

Chapter 86.13 Flood Control by Counties Jointly.

86.13.010 Boundary line rivers—Contract to control.

Chapter 86.15 Flood Control Zone Districts.

86.15.160 Additional levies and assessments.

Chapter 86.16 Flood Control Zones by State.

86.16.085 Delegation of permit program.
86.16.160 Local programs not prevented.
86.16.170 "Supervisor of flood control" defined.

Chapter 86.26 State Participation in Flood Control Maintenance.

86.26.110 Vouchers for expenditures—Approval.

Chapter 86.12
FLOOD CONTROL BY COUNTIES

86.12.010 COUNTY TAX FOR RIVER IMPROVEMENT FUND—FLOOD CONTROL MAINTENANCE ACCOUNT. The county commissioners of any county may annually levy a tax, beginning with the year 1907, in such amount as, in their judgment they may deem necessary or advisable, but not to exceed twenty-five cents per thousand dollars of assessed value upon all taxable property in such county, for the purpose of creating a fund to be known as "river improvement fund." There is hereby created in each such river improvement fund an account to be known as the "flood control maintenance account.. [1973 1st ex.s. c 195 § 129; 1941 c 204 § 8; 1907 c 66 § 1; Rem. Supp. 1941 § 9625. FORMER PART OF SECTION: 1907 c 66 § 4, now codified as RCW 86.12.033.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 86.13
FLOOD CONTROL BY COUNTIES JOINTLY

86.13.010 BOUNDARY LINE RIVERS—CONTRACT TO CONTROL. Wherever and whenever a river is or shall be the boundary line or part of the boundary line between two counties, or it, or its tributaries or outlet or part thereof, flows through parts of two counties, and the waters thereof have in the past been the cause of damage, by inundation or otherwise, to the roads, bridges or other public property situate in or to other public interests of both such counties, or the flow of such waters shall have alternated between the said counties so at one time or times such waters shall have caused damage to one county and at another time or times to the other county, and it shall be deemed by the boards of county commissioners of both counties to be for the public interests of their respective counties that the flow of such waters be definitely confined to a particular channel, situate in whole or in part in either county, in a manner calculated to prevent such alternation or to prevent or lessen damage in the future, it shall be lawful for the two counties, and their boards of county commissioners are hereby empowered, pursuant to resolution, to enter into a contract in writing in the names of the respective counties for the purpose of settling all disputes in relation to any such situation, and providing ways and means for the control and disposition of such waters. Any such contract may provide:

(1) That it shall be operative in perpetuity, or only for a term of years or other measure of time to be specified therein.

(2) The amount of money to be expended by each county during each year of the life of said contract, or such other method of determining the amount of expenditure or dividing the financial burden as may be agreed upon.

(3) That an annual tax shall be levied, at the same time and in the same manner as other county taxes are levied, each year during the life of the contract, by the county commissioners of each county. The annual tax herein provided for need not be levied at the same rate for each county, but shall be at such rate in each county as will produce annually the amount of money for each county as is required for the fulfillment of the contract on its part: PROVIDED, HOWEVER, That in no event shall any such tax levy by either county exceed twenty-five cents per thousand dollars of assessed value for any one year.

(4) That the general scheme for the improvement of such river shall be as stated in such contract, but by consent of the contracting parties, pursuant to resolution of each board of county commissioners, such scheme may be modified from time to time during the life of the contract. The contract may but need not provide the details of such scheme, but must designate the general purpose to be accomplished. So far as details are not specified in the contract, same shall be for future determination by joint action of the two boards of county commissioners. Any such contract may be subsequently modified or abrogated by mutual consent evidenced by separate resolution of both boards of county commissioners. [1973 1st ex.s. c 195 § 130; 1913 c 54 § 1; RRS § 9651. Formerly RCW 86.12.040.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 86.15 FLOOD CONTROL ZONE DISTRICTS

86.15.160 ADDITIONAL LEVIES AND ASSESSMENTS. For the purposes of this chapter the board may authorize:

(1) A special annual ad valorem levy within any zone or participating zones when authorized by the voters of such zone or participating zones pursuant to the provisions of RCW 84.52.052 and RCW 84.52-.054; and

(2) An assessment upon property specially benefited by an improvement made pursuant to the provisions of chapter 86.09; and

(3) Within any zone or participating zones an annual levy of not to exceed fifty cents per thousand dollars of assessed value when such levy will not take dollar rates which other taxing districts may lawfully claim and which will not cause the combined levies to exceed the

constitutional and/or statutory limitations, and such additional levy, or any portion thereof, may also be made when dollar rates of other taxing units is released therefor by agreement with the other taxing units from their authorized levies. [1973 1st ex.s. c 195 § 131; 1961 c 153 § 16.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 86.16 FLOOD CONTROL ZONES BY STATE

86.16.085 DELEGATION OF PERMIT PROGRAM. (1) The department of ecology may, when requested by the governing body of any county, city or town, delegate to such body the authority to administer the permit program authorized by RCW 86.16.080 for a flood control zone or portions thereof within its jurisdiction if the department determines the requestor has:

(a) the resources, expertise and capability to administer such a program, and

(b) indicated an intention to administer the program in accordance with the provisions of this chapter and the general guidelines contained in rules adopted by the department pertaining to flood control zones.

(2) Any delegation authorized by *this act shall take effect on the effective date of an implementing ordinance in a form approved by the department prior to its adoption.

(3) Any permit program delegated under the provisions of *this act shall be administered in accordance with this chapter, the rules of the department implementing the act and its ordinance. Whenever the department determines, after a public hearing, that a county, city or town is not administering the program in such manner, it shall notify said local government and, if corrective action is not taken within a reasonable time not to exceed ninety days, the department shall withdraw the delegation.

(4) The department shall be furnished with a copy of each permit issued under a delegated program immediately upon issuance of the permit: PROVIDED, That the department may waive this requirement in its entirety or by category of structure or works.

(5) Any person aggrieved by a ruling on an application for a permit under a delegated program may obtain review thereof before the pollution control hearings board in the same manner as review is obtained for permits issued by the department pursuant to RCW 86.16.080. [1973 c 75 § 1.]

*Reviser's note: "this act" apparently refers to 1973 c 75, codified herein as RCW 86.16.085, 86.16.160 and 86.16.170.

86.16.160 LOCAL PROGRAMS NOT PREVENTED. Nothing in this chapter shall prevent any county, city or town from establishing, pursuant to any authority otherwise available to them, flood control regulation programs and related land use control measures in areas which are subject to flooding or flood damages. [1973 c 75 § 2.]

86.16.170 "SUPERVISOR OF FLOOD CONTROL" DEFINED. For purposes of this chapter "supervisor of flood control" shall mean "department of ecology". [1973 c 75 § 3.]

Chapter 86.26
STATE PARTICIPATION IN FLOOD CONTROL MAINTENANCE

86.26.110 VOUCHERS FOR EXPENDITURES—APPROVAL. No warrant shall be drawn to the credit of the flood control maintenance account of any participating local agency except on vouchers for reimbursement of expenditures therefor made and properly supported and approved by the local flood control engineer and by the supervisor of flood control. [1973 c 106 § 38; 1951 c 240 § 13.]

TITLE 87
IRRIGATION

Sections added, amended, or repealed:

Chapter 87.03 Irrigation Districts Generally.

87.03.162 Liability insurance for officials and employees.

87.03.820 Disposal of real property—
Right of adjacent owners.

Chapter 87.28 Revenue Bonds for Water, Power, Drains, Sewers, Sewage Disposal, Etc.

87.28.010 Revenue bonds authorized.

87.28.020 Form and terms of bonds.

87.28.030 Bonds payable only from special fund—Lien on revenues.

Chapter 87.84 Irrigation and Rehabilitation Districts.

87.84.070 Special assessments—Notice and election—Collection.

Chapter 87.03
IRRIGATION DISTRICTS GENERALLY

Cross Reference:

Plats, approval of plat within irrigation districts prohibited without provision for irrigation water right of way: RCW 58.17.310.

87.03.162 LIABILITY INSURANCE FOR OFFICIALS AND EMPLOYEES. The board of directors of each irrigation district may purchase liability insurance with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties. [1973 c 125 § 8.]

87.03.820 DISPOSAL OF REAL PROPERTY—RIGHT OF ADJACENT OWNERS. Whenever as the result of abandonment of an irrigation district right of way real property held by an irrigation district is to be sold or otherwise disposed of, notice shall be given to the owners of lands adjoining that real property and such owners shall have a right of first refusal to purchase at the appraised price all or any part of the real property to be sold or otherwise disposed of which adjoins or is adjacent to their land.

Real property to be sold or otherwise disposed of under this section shall have been first appraised by the county assessor or by a person designated by him.

Notice under this section shall be sufficient if sent by registered mail to the owner, and at the address, as shown in the tax records of the county in which the land is situated. Notice under this section shall be in addition to any other notice required by law.

After sixty days from the date of sending of notice, if no applications for purchase have been received by the irrigation district or other person or entity sending notice, the rights of first refusal of owners of adjoining lands shall be deemed to have been waived, and the real property may be sold or otherwise disposed of.

If two or more owners of adjoining lands apply to purchase the same real property, or apply to purchase overlapping parts of the real property, the respective rights of the applicants may be determined in the superior court of the county in which the real property is situated; and the court may divide the real property in question between some or all of the applicants or award the whole to one applicant, as justice may require.

Any sale or other disposal of real property pursuant to chapters 87.52, 87.53, and 87.56 RCW shall be made in accordance

with the requirements of this section.
[1973 c 150 § 1; 1971 ex.s. c 125 § 2.]

Chapter 87.28
REVENUE BONDS FOR WATER, POWER, DRAINS,
SEWERS, SEWAGE DISPOSAL, ETC.

87.28.010 REVENUE BONDS AUTHORIZED.
The board of directors of any irrigation district in this state which is furnishing or may furnish domestic water service, electric power service, a system of drains, or a system of sanitary sewer and sewage disposal or treatment plants, or any combination of such services, shall have authority to issue and sell bonds of the district payable from revenues derived from district charges for such service or services for the benefit of such service and the facilities therefor, and the revenues from one or more of the services may be pledged for the retirement of bonds issued for water, sewer, and electric improvements: PROVIDED, That nothing in this section shall authorize a district which is not on March 8, 1973 engaged in providing electrical service permission to pledge revenue from water and sewer service to support the issuance of revenue bonds for the acquisition or construction of electrical power facilities. [1973 c 74 § 1; 1949 c 57 § 1; Rem. Supp. 1949 § 7434-10.]

87.28.020 FORM AND TERMS OF BONDS.
Said bonds shall be in such form as the board of directors shall determine and shall be payable to bearer, shall be in denominations of not less than one hundred dollars nor more than five thousand dollars, shall be numbered from one and up consecutively; shall bear the date of their issue, shall be payable at such time or times up to a maximum period of not to exceed forty years; shall bear interest at a rate or rates all as authorized by the board of directors payable semiannually, evidenced by coupons attached to said bonds; shall be payable at the office of the county treasurer of the county in which the principal office of the district is located or at such other place as the board of directors shall provide and specify in the bonds; shall be executed by the president of the board of directors and attested and sealed by the secretary thereof and may have facsimile signatures of the president and secretary imprinted on the interest coupons in lieu of original signatures. Said bonds may provide that the same or any part thereof at the option of the board of directors may be redeemed in advance of maturity on any interest payment date. [1973 c 74 § 2; 1970 ex.s. c 56 § 99; 1969 ex.s. c 232 § 58; 1949 c 57 § 2; Rem. Supp. 1949 § 7434-11.]

87.28.030 BONDS PAYABLE ONLY FROM SPECIAL FUND--LIEN ON REVENUES. The board of directors of the issuing district shall have authority and is required to create a special fund to be designated revenue bond fund to be carried in said county treasurer's office for the account of the district for the sole purpose of paying the interest and principal of such bonds, into which special fund said board of directors shall obligate and bind the district to set aside and pay a fixed proportion of the gross revenues from the charges made by the district for the domestic water service and/or the electric power service, and/or sewer service, as the case may be, for which the bonds are issued and such bonds and the interest thereon shall be payable only out of such special fund but shall be a lien and charge against all revenues received for such service or services superior to operating and maintenance expenses of such service. [1973 c 74 § 3; 1949 c 57 § 3; Rem. Supp. 1949 § 7434-12.]

Chapter 87.84
IRRIGATION AND REHABILITATION DISTRICTS

87.84.070 SPECIAL ASSESSMENTS--NOTICE AND ELECTION--COLLECTION. The directors shall be empowered to specially assess land located in the district for benefits thereto taking as a basis the last equalized assessment for county purposes: PROVIDED, That such assessment shall not exceed twenty-five cents per thousand dollars of assessed value upon such assessed valuation without securing authorization by vote of the electors of the district at an election called for that purpose.

The board shall give notice of such an election, for the time and in the manner and form provided for irrigation district elections. The manner of conducting and voting at such an election, opening and closing polls, canvassing the votes, certifying the returns, and declaring the result shall be nearly as practicable the same as in irrigation district elections.

The special assessment provided for herein shall be due and payable at such times and in such amounts as designated by the district directors, which designation shall be made to the county auditor in writing, and the amount so designated shall be added to the general taxes, and entered upon the assessment rolls in his office, and collected therewith. [1973 1st ex.s. c 195 § 132; 1961 c 226 § 8.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195; See notes following RCW 84.52.043.

TITLE 88
NAVIGATION AND HARBOR IMPROVEMENTS

Cross Reference:

Wood debris—Removal from navigable waters: Chapter 76.42.

TITLE 89
RECLAMATION, SOIL CONSERVATION AND LAND SETTLEMENT

Chapter 89.16 Reclamation by State.

- 89.16.020 Reclamation account created—Composition.
- 89.16.120 Tax levy.

Chapter 89.08
CONSERVATION DISTRICTS
(Formerly: Soil and Water Conservation Districts)

Sections added, amended, or repealed:

Chapter 89.08 Conservation Districts.
(Formerly: Soil and Water Conservation Districts.)

- 89.08.005 Short title.
- 89.08.010 Preamble.
- 89.08.020 Definitions.
- 89.08.030 Conservation commission.
- 89.08.040 Chairman—Expenses—Records, rules, hearings, etc.
- 89.08.050 Employees—Delegation—Quorum.
- 89.08.060 Assistance of other state agencies and institutions.
- 89.08.070 General duties of commission.
- 89.08.080 Petition to form district—Contents.
- 89.08.090 Notice of hearing—Hearing.
- 89.08.100 Findings—Order.
- 89.08.110 Election—How conducted.
- 89.08.120 Ballots.
- 89.08.130 Notice of election.
- 89.08.140 Expense of hearing and election.
- 89.08.150 Procedure after canvass.
- 89.08.160 Appointment of supervisors—Application to secretary of state.
- 89.08.170 Secretary of state's certificate—Change of name.
- 89.08.180 Annexation of territory—Boundary change—Combining two or more districts.
- 89.08.190 Nomination and election of supervisors—Annual meeting of voters.
- 89.08.200 Supervisors—Term, vacancies, removal, etc.—Compensation.
- 89.08.210 Powers and duties of supervisors.
- 89.08.220 Corporate status and powers of district.
- 89.08.340 Intergovernmental cooperation—Transfer, allocation, of funds.
- 89.08.341 Intergovernmental cooperation—Authority.
- 89.08.350 Petition to dissolve district—Election.
- 89.08.360 Result of election—Determination of practicability.
- 89.08.370 Disposition of affairs upon dissolution.
- 89.08.380 Effect of dissolution—Committee substituted.
- 89.08.391 Water rights preserved.
- 89.08.901 Severability—1973 1st ex.s. c 184.

89.08.005 SHORT TITLE. This chapter shall be known and cited as the conservation districts law. [1973 1st ex.s. c 184 § 1; 1961 c 240 § 1; 1939 c 187 § 1; RRS § 10726-1.]

89.08.010 PREAMBLE. It is hereby declared, as a matter of legislative determination:

(1) That the lands of the state of Washington are among the basic assets of the state and that the preservation of these lands is necessary to protect and promote the health, safety, and general welfare of its people; that improper land-use practices have caused and have contributed to, and are now causing and contributing to, a progressively more serious erosion of the lands of this state by wind and water; that the breaking of natural grass, plant and forest cover have interfered with the natural factors of soil stabilization, causing loosening of soil and exhaustion of humus, and developing a soil condition that favors erosion; that the topsoil is being blown and washed off of lands; that there has been an accelerated washing of sloping lands; that these processes of erosion by wind and water speed up with removal of absorptive topsoil, causing exposure of less absorptive and less protective but more erosive subsoil; that failure by any land occupier to conserve the soil and control erosion upon his lands may cause a washing and blowing of soil from his lands onto other lands and makes the conservation of soil and control of erosion on such other lands difficult or impossible, and that extensive denuding of land for development creates critical erosion areas that are difficult to effectively regenerate and the resulting sediment causes extensive pollution of streams, ponds, lakes and other waters.

(2) That the consequences of such soil erosion in the form of soil blowing and soil washing are the silting and sedimentation of stream channels, reservoirs, dams, ditches, and harbors, and loading the air with soil particles; the loss of fertile soil material in dust storms; the piling up of soil on lower slopes and its deposit over alluvial plains; the reduction in productivity or outright ruin of rich bottom lands by overwash of poor subsoil material, sand, and gravel swept out of the hills; deterioration of soil

and its fertility, deterioration of crops grown thereon, and declining acre yields despite development of scientific processes for increasing such yields; loss of soil and water which causes destruction of food and cover for wildlife; a blowing and washing of soil into streams which silts over spawning beds, and destroys water plants, diminishing the food supply of fish; a diminishing of the underground water reserve, which causes water shortages, intensifies periods of drought, and causes crop failures; an increase in the speed and volume of rainfall run-off, causing severe and increasing floods, which bring suffering, disease, and death; impoverishment of families attempting to farm eroding and eroded lands; damage to roads, highways, railways, buildings, and other property from floods and from dust storms; and losses in navigation, hydroelectric power, municipal water supply, irrigation developments, farming and grazing.

(3) That to conserve soil resources and control and prevent soil erosion and prevent flood water and sediment damages, and further agricultural and nonagricultural phases of the conservation, development, utilization, and disposal of water, it is necessary that land-use practices contributing to soil wastage and soil erosion be discouraged and discontinued, and appropriate soil-conserving land-use practices, and works of improvement for flood prevention of agricultural and nonagricultural phases of the conservation, development, utilization, and disposal of water be adopted and carried out; that among the procedures necessary for widespread adoption, are the carrying on of engineering operations such as the construction of terraces, terrace outlets, check-dams, desilting basins, flood water retarding structures, channel floodways, dikes, ponds, ditches, and the like; the utilization of strip cropping, contour cultivating, and contour furrowing; land irrigation; seeding and planting of waste, sloping, abandoned, or eroded lands to water-conserving and erosion-preventing plants, trees, and grasses; forestation and reforestation; rotation of crops; soil stabilizations with trees, grasses, legumes, and other thick-growing, soil-holding crops, retardation of run-off by increasing absorption of rainfall; and retirement from cultivation of steep, highly erosive areas and areas now badly gullied or otherwise eroded.

(4) Whereas, there is a pressing need for the conservation of renewable resources in all areas of the state, whether urban, suburban, or rural, and that the benefits of resource practices, programs, and projects, as carried out by the state conservation commission and by the conservation districts, should be available to all such areas; therefore, it is hereby declared to be the policy of the legislature to provide for the conservation of

the renewable resources of this state, and for the control and prevention of soil erosion, and for the prevention of flood water and sediment damages, and for furthering agricultural and nonagricultural phases of conservation, development, utilization, and disposal of water, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state. To this end all incorporated cities and towns heretofore excluded from the boundaries of a conservation district established pursuant to the provisions of the state conservation district law, as amended, may be approved by the conservation commission as being included in and deemed a part of the district upon receiving a petition for annexation signed by the governing authority of the city or town and the conservation district within the exterior boundaries of which it lies in whole or in part or to which it lies closest. [1973 1st ex.s. c 184 § 2; 1939 c 187 § 2; RRS § 10726-2.]

89.08.020 DEFINITIONS. Unless the context clearly indicates otherwise, as used in this chapter:

"Commission" and "state conservation commission" means the agency created hereunder. All former references to "state soil and water conservation committee", "state committee" or "committee" shall be deemed to be references to the "state conservation commission";

"District", or "conservation district" means a governmental subdivision of this state and a public body corporate and politic, organized in accordance with the provisions of *this 1973 amendatory act, for the purposes, with the powers, and subject to the restrictions set forth in this chapter. All districts created under *this 1973 amendatory act shall be known as conservation districts and shall have all the powers and duties set out in *this 1973 amendatory act. All references in *this 1973 amendatory act to "districts", or "soil and water conservation districts" shall be deemed to be reference to "conservation districts";

"Board" and "supervisors" mean the board of supervisors of a conservation district;

"Land occupier" or "occupier of land" includes any person, firm, political subdivision, government agency, municipality, public or private corporation, copartnership, association, or any other entity whatsoever which holds title to, or is in possession of, any lands lying within a district organized under the provisions of *this 1973 amendatory act, whether as owner, lessee, renter, tenant, or otherwise;

"District elector" means a qualified county elector occupying land within the district boundary;

"Due notice" means a notice published at least twice, with at least six days between publications, in a publication of general circulation within the affected area, or if there is no such publication, by posting at a reasonable number of public places within the area, where it is customary to post notices concerning county and municipal affairs. Any hearing held pursuant to due notice may be postponed from time to time without a new notice;

"Renewable natural resources", "natural resources" or "resources" includes land, air, water, vegetation, fish, wildlife, wild rivers, wilderness, natural beauty, scenery and open space;

"Conservation" includes conservation, development, improvement, maintenance, preservation, protection and use, and alleviation of floodwater and sediment damages, and the disposal of excess surface waters.

"Farm and agricultural land" means either (a) land in any contiguous ownership of twenty or more acres devoted primarily to agricultural uses; (b) any parcel of land five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter; or (c) any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income of one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter. Agricultural lands shall also include farm woodlots of less than twenty and more than five acres and the land on which appurtenances necessary to production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands". [1973 1st ex.s. c 184 § 3; 1961 c 240 § 2; 1955 c 304 § 1; 1939 c 187 § 3; RRS § 10726-3.]

*Reviser's note: "this 1973 amendatory act" or "this act" apparently consists of amendments to RCW 89.08.005-89.08.220, 89.08.350-89.08.380 by 1973 1st ex.s. c 184, to the repeal of RCW 89.08.340, and to RCW 89.08.341, 89.08.391 and 89.08.901.

89.08.030 CONSERVATION COMMISSION.

There is hereby established to serve as an agency of the state and to perform the functions conferred upon it in *this 1973 amendatory act, the state conservation commission, which shall succeed to all powers, duties and property of the state soil and water conservation committee.

The commission shall consist of seven members, two of whom are ex officio. Two members shall be appointed by the governor, one of whom shall be a landowner or operator of a farm. At least two of the three elected members shall be landowners or operators of a farm and shall be elected as herein provided. The appointed members shall serve for a term of four years.

The three elected members shall be elected for three-year terms, one shall be elected each year by the district supervisors at their annual state-wide meeting. One of the members shall reside in eastern Washington, one in central Washington and one in western Washington, the specific boundaries to be determined by district supervisors. At the first such election, the term of the member from western Washington shall be one year, central Washington two years and eastern Washington three years, and successors shall be elected for three years.

Unexpired term vacancies in the office of appointed commission members shall be filled by appointment by the governor in the same manner as full-term appointments. Unexpired terms of elected commission members shall be filled by the regional vice president of the Washington association of conservation districts who is serving that part of the state where the vacancy occurs, such term to continue only until district supervisors can fill the unexpired term by electing the commission member.

The director of the department of ecology and the dean of the college of agriculture at Washington State University shall be ex officio members of the commission. An ex officio member of the commission shall hold office so long as he retains the office by virtue of which he is a member of the commission. Ex officio members may delegate their authority.

The commission may invite appropriate officers of cooperating organizations, state and federal agencies to serve as advisers to the conservation commission. [1973 1st ex.s. c 184 § 4; 1967 c 217 § 1; 1961 c 240 § 3; 1955 c 304 § 3. Prior: 1951 c 216 § 3; 1949 c 106 § 1, part; 1939 c 187 § 4, part; Rem. Supp. 1949 § 10726-4, part.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 89.08.020.

89.08.040 CHAIRMAN--EXPENSES--RECORDS, RULES, HEARINGS, ETC. Members shall receive no compensation, but shall be entitled to expenses, including traveling

expenses, necessarily incurred in the discharge of their duties.

The commission shall keep a record of its official actions, shall adopt a seal, which shall be judicially noticed, and may perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the execution of its functions under *this 1973 amendatory act. The state department of ecology is empowered to pay the necessary per diem and travel expenses of the elected and appointed members of the state conservation commission, and the salaries, wages and other expenses of such administrative officers or other employees as may be required under the provisions of this chapter. [1973 1st ex.s. c 184 § 5; 1961 c 240 § 4; 1955 c 304 § 4. Prior: 1951 c 216 § 4; 1949 c 106 § 1, part; 1939 c 187 § 4, part; Rem. Supp. 1949 § 10726-4, part.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 89.08.020.

89.08.050 EMPLOYEES—DELEGATION—QUORUM. The commission may employ an administrative officer, and such technical experts and such other agents and employees, permanent and temporary as it may require, and shall determine their qualifications, duties, and compensation. The commission may call upon the attorney general for such legal services as it may require.

It shall have authority to delegate to its chairman, to one or more of its members, to one or more agents or employees such duties and powers as it deems proper. It shall be supplied with suitable office accommodations at the central office of the department of ecology, and shall be furnished the necessary supplies and equipment.

The commission shall organize annually and select a chairman from among its members, who shall serve for one year from the date of his selection. A majority of the commission shall constitute a quorum and all actions of the commission shall be by a majority vote of the members present and voting at a meeting at which a quorum is present. [1973 1st ex.s. c 184 § 6; 1961 c 240 § 5; 1955 c 304 § 5. Prior: 1949 c 106 § 1, part; 1939 c 187 § 4, part; Rem. Supp. 1949 § 10726-4, part.]

89.08.060 ASSISTANCE OF OTHER STATE AGENCIES AND INSTITUTIONS. Upon request of the commission, for the purpose of carrying out any of its functions, the supervising officer of any state agency or state institution of learning may, insofar as may be possible under available appropriations and having due regard to the needs of the agency to which the request is directed, assign or detail to the commission, members of the staff or personnel of such agency or institution of

learning, and make such special reports, surveys, or studies as the commission may request. [1973 1st ex.s. c 184 § 7; 1955 c 304 § 6. Prior: 1949 c 106 § 1, part; 1939 c 187 § 4, part; Rem. Supp. 1949 § 10726-4, part.]

89.08.070 GENERAL DUTIES OF COMMISSION. In addition to the duties and powers hereinafter conferred upon the commission, it shall have the following duties and powers:

(1) To offer such assistance as may be appropriate to the supervisors of conservation districts organized under the provisions of *this 1973 amendatory act, in the carrying out of any of their powers and programs:

(a) to assist and guide districts in the preparation and carrying out of programs for resource conservation authorized under *this act;

(b) to review district programs;

(c) to coordinate the programs of the several districts and resolve any conflicts in such programs;

(d) to facilitate, promote, assist, harmonize, coordinate, and guide the resource conservation programs and activities of districts as they relate to other special purpose districts, counties, and other public agencies.

(2) To keep the supervisors of each of the several conservation districts organized under the provisions of *this 1973 amendatory act informed of the activities and experience of all other districts organized hereunder, and to facilitate an interchange of advice and experience between such districts and cooperation between them.

(3) To review agreements, or forms of agreements, proposed to be entered into by districts with other districts or with any state, federal, interstate, or other public or private agency, organization, or individual, and advise the districts concerning such agreements or forms of agreements.

(4) To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this state in the work of such districts.

(5) To recommend the inclusion in annual and longer term budgets and appropriation legislation of the state of Washington of funds necessary for appropriation by the legislature to finance the activities of the commission and the conservation districts; to administer the provisions of any law hereinafter enacted by the legislature appropriating funds for expenditure in connection with the activities of conservation districts; to distribute to conservation districts funds, equipment, supplies and services received by the commission for that purpose from any source, subject to such conditions as shall be made applicable thereto in any

state or federal statute or local ordinance making available such funds, property or services; to issue regulations establishing guidelines and suitable controls to govern the use by conservation districts of such funds, property and services; and to review all budgets, administrative procedures and operations of such districts and advise the districts concerning their conformance with applicable laws and regulations.

(6) To encourage the cooperation and collaboration of state, federal, regional, interstate and local public and private agencies with the conservation districts, and facilitate arrangements under which the conservation districts may serve county governing bodies and other agencies as their local operating agencies in the administration of any activity concerned with the conservation of renewable natural resources.

(7) To disseminate information throughout the state concerning the activities and programs of the conservation districts organized hereunder, and to encourage the formation of such districts in areas where their organization is desirable; to make available information concerning the needs and the work of the conservation district and the commission to the governor, the legislature, executive agencies of the government of this state, political subdivisions of this state, cooperating federal agencies, and the general public.

(8) Pursuant to procedures developed mutually by the commission and other state and local agencies that are authorized to plan or administer activities significantly affecting the conservation of renewable natural resources, to receive from such agencies for review and comment suitable descriptions of their plans, programs and activities for purposes of coordination with district conservation programs; to arrange for and participate in conferences necessary to avoid conflict among such plans and programs, to call attention to omissions, and to avoid duplication of effort.

(9) To compile information and make studies, summaries and analysis of district programs in relation to each other and to other resource conservation programs on a state-wide basis.

(10) To assist conservation districts in obtaining legal services from state and local legal officers.

(11) To require annual reports from conservation districts, the form and content of which shall be developed by the commission.

(12) To establish by regulations, with the assistance and advice of the state auditor's office, adequate and reasonably uniform accounting and auditing procedures which shall be used by conservation districts. [1973 1st ex.s. c 184 § 8; 1961 c 240 § 6; 1955 c 304 § 7. Prior: 1949 c 106 § 1, part; 1939 c 187 § 4, part; Rem. Supp. 1949 § 10726-4, part.]

*Reviser's note: "this act" and "this 1973 amendatory act", see note following RCW 89.08.020.

89.08.080 PETITION TO FORM DISTRICT--CONTENTS. To form a conservation district, twenty-five or more persons occupying land within the area to be affected may file a petition with the commission asking that the area be organized into a district.

The petition shall give the name of the proposed district, state that it is needed in the interest of the public health, safety, and welfare, give a general description of the area proposed to be organized and request that the commission determine that it be created, and that it define the boundaries thereof and call an election on the question of creating the district.

If more than one petition is filed covering parts of the same area, the commission may consolidate all or any of them. [1973 1st ex.s. c 184 § 9; 1961 c 240 § 7; 1961 c 17 § 1. Prior: 1939 c 187 § 5, part; RRS § 10726-5, part.]

89.08.090 NOTICE OF HEARING--HEARING. Within thirty days after a petition is filed, the commission shall give due notice of the time and place of a public hearing thereon. At the hearing all interested persons shall be heard.

If it appears to the commission that additional land should be included in the district, the hearing shall be adjourned and a new notice given covering the entire area and a new date fixed for further hearing, unless waiver of notice by the owners of the additional land is filed with the commission.

No district shall include any portion of a railroad right of way, or another similar district. The lands included in a district need not be contiguous. [1973 1st ex.s. c 184 § 10; 1955 c 304 § 9. Prior: 1939 c 187 § 5, part; RRS § 10726-5, part.]

89.08.100 FINDINGS--ORDER. After the hearing, if the commission finds that the public health, safety, and welfare warrant the creation of the district, it shall enter an order to that effect and define the boundaries thereof by metes and bounds or by legal subdivisions.

In making its findings the commission shall consider the topography of the particular area and of the state generally; the composition of the soil; the distribution of erosion; the prevailing land use practices; the effects upon and benefits to the land proposed to be included; the relation of the area to existing watersheds and agricultural regions and to other similar districts organized or proposed; and consider such other physical,

geographical, and economic factors as are relevant.

If the commission finds there is no need for the district, it shall enter an order denying the petition, and no petition covering the same or substantially the same area may be filed within six months thereafter. [1973 1st ex.s. c 184 § 11; 1955 c 304 § 10. Prior: 1939 c 187 § 5, part; RRS § 10726-5, part.]

89.08.110 ELECTION--HOW CONDUCTED. If the commission finds that the district is needed, it shall then determine whether it is practicable. To assist the commission in determining this question, it shall, within a reasonable time, submit the proposition to a vote of the land occupiers in the proposed district.

The commission shall fix the date of the election, designate the polling places, fix the hours for opening and closing the polls, and appoint the election officials. The election shall be conducted, the vote counted and returns canvassed and the results published by the commission. [1973 1st ex.s. c 184 § 12; 1955 c 304 § 11. Prior: 1939 c 187 § 5, part; RRS § 10726-5, part.]

89.08.120 BALLOTS. The commission shall provide the ballots for the election which shall contain the words

" For creation of a conservation district of the lands below described and lying in the county or counties of _____, _____ and _____,"

and
 Against creation of a conservation district of the lands below described and lying in the county or counties of _____, _____ and _____."

The ballot shall set forth the boundaries of the proposed district, and contain a direction to insert an X in the square of the voter's choice. [1973 1st ex.s. c 184 § 13; 1961 c 240 § 8; 1955 c 304 § 12. Prior: 1939 c 187 § 5, part; RRS § 10726-5, part.]

89.08.130 NOTICE OF ELECTION. The commission shall give due notice of the election, which shall state generally the purpose of the election, the date thereof, the place and hours of voting, and set forth the boundaries of the proposed district.

Only qualified electors within the proposed district as determined by the commission may vote at the election. Each voter shall vote in the polling place nearest his residence. If he resides outside the district, he shall vote at the nearest polling place of the district. [1973 1st ex.s. c 184 § 14; 1955 c 304 § 13. Prior: 1939 c 187 § 5, part; RRS § 10726-5, part.]

89.08.140 EXPENSE OF HEARING AND ELECTION. The commission shall bear all expense of giving the notices and conducting the hearings and election, and shall issue regulations governing all hearings and elections and supervise the conduct thereof. It shall provide for registration of eligible voters or prescribe the procedure to determine the eligible voters. No informality in connection with the election shall invalidate the results, if the notice thereof was substantially given, and the election fairly conducted. [1973 1st ex.s. c 184 § 15; 1955 c 304 § 14. Prior: 1939 c 187 § 5, part; RRS § 10726-5, part.]

89.08.150 PROCEDURE AFTER CANVASS. If a majority of the votes cast at the election are against the creation of the district, the commission shall deny the petition. If a majority favor the district, the commission shall determine the practicability of the project.

In making such determination, the commission shall consider the attitude of the land occupiers of the district; the number of eligible voters who voted at the election; the size of the majority vote; the wealth and income of the land occupiers; the probable expense of carrying out the project; and any other economic factors relevant thereto.

If the commission finds that the project is impracticable it shall enter an order to that effect and deny the petition. When the petition has been denied, no new petition covering the same or substantially the same area may be filed within six months therefrom. [1973 1st ex.s. c 184 § 16; 1955 c 304 § 15. Prior: 1939 c 187 § 5, part; RRS § 10726-5, part.]

89.08.160 APPOINTMENT OF SUPERVISORS--APPLICATION TO SECRETARY OF STATE. If the commission finds the project practicable, it shall appoint two supervisors, one of whom shall be a landowner or operator of a farm, who shall be qualified by training and experience to perform the specialized skilled services required of them. They, with the three elected supervisors, two of whom shall be landowners or operators of a farm, shall constitute the governing board of the district.

The two appointed supervisors shall file with the secretary of state a sworn application, reciting that a petition was filed with the commission for the creation of the district; that all required proceedings were had thereon; that they were appointed by the commission as such supervisors; and that the application is being filed to complete the organization of the district. It shall contain the names and residences of the applicants, a certified copy of their appointments, the name of the district, the location of the office of the supervisors and the term of office of each applicant.

The application shall be accompanied by a statement of the commission, reciting that a petition was filed, notice issued, and hearing held thereon as required; that it determined the need for the district and defined the boundaries thereof; that notice was given and an election held on the question of creating the district; that a majority vote favored the district, and that the commission had determined the district practicable; and shall set forth the boundaries of the district. [1973 1st ex.s. c 184 § 17; 1955 c 304 § 16. Prior: 1939 c 187 § 5, part; RRS § 10726-5, part.]

89.08.170 SECRETARY OF STATE'S CERTIFICATE--CHANGE OF NAME. If the secretary of state finds that the name of the proposed district is such as will not be confused with that of any other district, he shall enter the application and statement in his records. If he finds the name may be confusing, he shall certify that fact to the commission, which shall submit a new name free from such objections, and he shall enter the application and statement as modified, in his records. Thereupon the district shall be considered organized into a body corporate.

The secretary of state shall then issue to the supervisors a certificate of organization of the district under the seal of the state, and shall record the certificate in his office. Proof of the issuance of the certificate shall be evidence of the establishment of the district, and a certified copy of the certificate shall be admissible as evidence and shall be proof of the filing and contents thereof. The name of a conservation district may be changed upon recommendation by the supervisors of a district and approval by the state conservation commission and the secretary of state. The new name shall be recorded by the secretary of state following the same general procedure as for the previous name. [1973 1st ex.s. c 184 § 18; 1961 c 240 § 9; 1955 c 304 § 17. Prior: 1951 c 216 § 1; 1939 c 187 § 5, part; RRS § 10726-5, part.]

89.08.180 ANNEXATION OF TERRITORY--BOUNDARY CHANGE--COMBINING TWO OR MORE DISTRICTS. Territory may be added to an existing district upon filing a petition as in the case of formation with the commission by occupiers of the lands to be included. The same procedure shall be followed as for the creation of the district.

As an alternate procedure, the commission may upon the petition of a majority of the land occupiers in any one or more districts or in unorganized territory adjoining a conservation district change the boundaries of a district, or districts, if such action will promote the practical and feasible administration of such district or districts.

Upon petition of the boards of supervisors of two or more districts, the commission may approve the combining of all or parts of such districts and name the district, or districts, with the approval of the name by the secretary of state. A public hearing and/or a referendum may be held if deemed necessary or desirable by the commission in order to determine the wishes of land occupiers.

When districts are combined, the joint boards of supervisors will first select a chairman, secretary and other necessary officers and select a regular date for meetings. All elected supervisors will continue to serve as members of the board until the expiration of their current term of office, and/or until the election date nearest their expiration date. All appointed supervisors will continue to serve until the expiration of their current term of office, at which time the commission will make the necessary appointments. In the event that more than two districts are combined, a similar procedure will be set up and administered by the commission.

When districts are combined or territory is moved from one district to another, the property, records and accounts of the districts involved shall be distributed to the remaining district or districts as approved by the commission. A new certificate of organization, naming and describing the new district or districts, shall be issued by the secretary of state. [1973 1st ex.s. c 184 § 19; 1961 c 240 § 10; 1955 c 304 § 18. Prior: 1951 c 216 § 2; 1939 c 187 § 5, part; RRS § 10726-5, part.]

89.08.190 NOMINATION AND ELECTION OF SUPERVISORS--ANNUAL MEETING OF VOTERS.

Within thirty days after the issuance of the certificate of organization, unless the time is extended by the commission, petitions shall be filed with the commission to nominate candidates for the three elected supervisors. The petition shall be signed by not less than twenty-five district electors, and a district elector may sign petitions nominating more than one person.

In the case of a new district, the commission shall give due notice to elect the three supervisors. All provisions pertaining to elections on the creation of a district shall govern this election so far as applicable. The names of all nominees shall appear on the ballot in alphabetical order, together with instructions to vote for three. The three candidates receiving the most votes shall be declared elected supervisors, the one receiving the most being elected for a three-year term, the next for two and the last for one year. An alternate method of dividing the district into three zones may be used when requested by the board of supervisors and approved by the commission. In such case, instructions will be to vote for one in each zone. The candidate receiving the

most votes in a zone shall be declared elected.

Each year after the creation of the first board of supervisors, the board shall by resolution and by giving due notice, set a date during the first quarter of each calendar year at which time it shall conduct an election. Names of candidates nominated by petition shall appear in alphabetical order on the ballots, together with an extra line wherein may be written in the name of any other candidate. The commission shall establish procedures for elections, canvass the returns and announce the official results thereof. Election results may be announced by polling officials at the close of the election subject to official canvass of ballots by the commission. Supervisors elected shall take office at the first board meeting following the election. [1973 1st ex.s. c 184 § 20; 1967 c 217 § 2; 1961 c 240 § 11; 1955 c 304 § 19; 1939 c 187 § 6; RRS § 10726-6.]

89.08.200 SUPERVISORS--TERM, VACANCIES, REMOVAL, ETC.--COMPENSATION. The term of office of each supervisor shall be three years and until his successor is appointed or elected and qualified, except that the supervisors first appointed shall serve for one and two years respectively from the date of their appointments, as designated in their appointments.

In the case of elected supervisors, the term of office of each supervisor shall be three years and until his successor is elected and qualified, except that for the first election, the one receiving the largest number of votes shall be elected for three years; the next largest two years; and the third largest one year. Successors shall be elected for three-year terms.

Vacancies in the office of appointed supervisors shall be filled by the state conservation commission. Vacancies in the office of elected supervisors shall be filled by appointment made by the remaining supervisors for the unexpired term.

A majority of the supervisors shall constitute a quorum and the concurrence of a majority is required for any official action or determination.

Supervisors shall serve without compensation, but they shall be entitled to expenses, including traveling expenses, necessarily incurred in discharge of their duties. A supervisor may be removed by the state conservation commission upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason.

The governing board shall designate a chairman from time to time. [1973 1st ex.s. c 184 § 21; 1961 c 240 § 12; 1955 c 304 § 21. Prior: 1949 c 106 § 2, part; 1939 c 187 § 7, part; Rem. Supp. 1949 § 10726-7, part.]

89.08.210 POWERS AND DUTIES OF SUPERVISORS. The supervisors may employ a secretary, technical experts, and such other officers, agents, and employees, permanent and temporary, as they may require, and determine their qualifications, duties, and compensation. It may call upon the attorney general for legal services, or may employ its own counsel and legal staff. The supervisors may delegate to their chairman, to one or more supervisors, or to one or more agents or employees such powers and duties as it deems proper. The supervisors shall furnish to the commission, upon request, copies of such internal rules, regulations, orders, contracts, forms, and other documents as they shall adopt or employ, and such other information concerning their activities as the commission may require in the performance of its duties under *this 1973 amendatory act. The supervisors shall provide for the execution of surety bonds for officers and all employees who shall be entrusted with funds or property.

The supervisors shall provide for the keeping of a full and accurate record of all proceedings, resolutions, regulations, and orders issued or adopted. The supervisors shall provide for an annual audit of the accounts of receipts and disbursements in accordance with procedures prescribed by regulations of the commission.

The board may invite the legislative body of any municipality or county near or within the district, to designate a representative to advise and consult with it on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county. The governing body of a district shall appoint such advisory committees as may be needed to assure the availability of appropriate channels of communication to the board of supervisors, to persons affected by district operations, and to local, regional, state and interstate special-purpose districts and agencies responsible for community planning, zoning, or other resource development activities. The district shall keep such committees informed of its work, and such advisory committees shall submit recommendations from time to time to the board of supervisors. [1973 1st ex.s. c 184 § 22; 1955 c 304 § 22. Prior: 1949 c 106 § 2, part; 1939 c 187 § 7, part; Rem. Supp. 1949 § 10726-7, part.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 89.08.020.

89.08.220 CORPORATE STATUS AND POWERS OF DISTRICT. A conservation district organized under the provisions of *this 1973 amendatory act shall constitute a governmental subdivision of this state, and a public body corporate and politic exercising public powers, but shall not levy taxes or issue bonds and such district, and the supervisors thereof, shall have

the following powers, in addition to others granted in other sections of *this 1973 amendatory act:

(1) To conduct surveys, investigations, and research relating to the conservation of renewable natural resources and the preventive and control measures and works of improvement needed, to publish the results of such surveys, investigations, or research, and to disseminate information concerning such preventive and control measures and works of improvement: PROVIDED, That in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or any of its agencies, or with the United States or any of its agencies;

(2) To conduct educational and demonstrational projects on any lands within the district upon obtaining the consent of the occupier of such lands and such necessary rights or interests in such lands as may be required in order to demonstrate by example the means, methods, measures, and works of improvement by which the conservation of renewable natural resources may be carried out;

(3) To carry out preventative and control measures and works of improvement for the conservation of renewable natural resources, within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of lands, and the measures listed in RCW 89.08.010, on any lands within the district upon obtaining the consent of the occupier of such lands and such necessary rights or interests in such lands as may be required;

(4) To cooperate or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the district in the carrying on of preventive and control measures and works of improvement for the conservation of renewable natural resources within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of *this 1973 amendatory act;

(5) To obtain options upon and to acquire in any manner, except by condemnation, by purchase, exchange, lease, gift, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of *this 1973 amendatory act; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of *this act;

(6) To make available, on such terms, as it shall prescribe, to land occupiers

within the district, agricultural and engineering machinery and equipment, fertilizer, seeds, seedlings, and such other equipment and material as will assist them to carry on operations upon their lands for the conservation of renewable natural resources;

(7) To prepare and keep current a comprehensive long-range program recommending the conservation of all the renewable natural resources of the district. Such programs shall be directed toward the best use of renewable natural resources and in a manner that will best meet the needs of the district and the state, taking into consideration, where appropriate, such uses as farming, grazing, timber supply, forest, parks, outdoor recreation, potable water supplies for urban and rural areas, water for agriculture, minimal flow, and industrial uses, watershed stabilization, control of soil erosion, retardation of water run-off, flood prevention and control, reservoirs and other water storage, restriction of developments of flood plains, protection of open space and scenery, preservation of natural beauty, protection of fish and wildlife, preservation of wilderness areas and wild rivers, the prevention or reduction of sedimentation and other pollution in rivers and other waters, and such location of highways, schools, housing developments, industries, airports and other facilities and structures as will fit the needs of the state and be consistent with the best uses of the renewable natural resources of the state. The program shall include an inventory of all renewable natural resources in the district, a compilation of current resource needs, projections of future resource requirements, priorities for various resource activities, projected timetables, descriptions of available alternatives, and provisions for coordination with other resource programs.

The district shall also prepare an annual work plan, which shall describe the action programs, services, facilities, materials, working arrangements and estimated funds needed to carry out the parts of the long-range programs that are of the highest priorities.

The districts shall hold public hearings at appropriate times in connection with the preparation of programs and plans, shall give careful consideration to the views expressed and problems revealed in hearings, and shall keep the public informed concerning their programs, plans, and activities. Occupiers of land shall be invited to submit proposals for consideration to such hearings. The districts may supplement such hearings with meetings, referenda and other suitable means to determine the wishes of interested parties and the general public in regard to current and proposed plans and programs of a district. They shall confer with public and private agencies, individually and in groups, to give and obtain information and understanding of the impact of district

operations upon agriculture, forestry, water supply and quality, flood control, particular industries, commercial concerns and other public and private interests, both rural and urban.

Each district shall submit to the commission its proposed long-range program and annual work plans for review and comment.

The long-range renewable natural resource program, together with the supplemental annual work plans, developed by each district under the foregoing procedures shall have official status as the authorized program of the district, and it shall be published by the districts as its "renewable resources program". Copies shall be made available by the districts to the appropriate counties, municipalities, special purpose districts and state agencies, and shall be made available in convenient places for examination by public land occupier or private interest concerned. Summaries of the program and selected material therefrom shall be distributed as widely as feasible for public information;

(8) To administer any project or program concerned with the conservation of renewable natural resources located within its boundaries undertaken by any federal, state, or other public agency by entering into a contract or other appropriate administrative arrangement with any agency administering such project or program;

(9) Cooperate with other districts organized under *this 1973 amendatory act in the exercise of any of its powers;

(10) To accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, from this state or any of its agencies, or from any other source, and to use or expend such moneys, services, materials, or any contributions in carrying out the purposes of *this act;

(11) To sue and be sued in the name of the district; to have a seal which shall be judicially noticed; have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to borrow money and to pledge, mortgage and assign the income of the district and its real or personal property therefor; and to make, amend rules and regulations not inconsistent with *this 1973 amendatory act and to carry into effect its purposes;

(12) Any two or more districts may engage in joint activities by agreement between or among them in planning, financing, constructing, operating, maintaining, and administering any program or project concerned with the conservation of renewable natural resources. The districts concerned may make available for purposes of the agreement any funds, property, personnel, equipment, or services available to them under *this 1973 amendatory act;

Any district may enter into such agreements with a district or districts in adjoining states to carry out such purposes if the law in such other states permits the districts in such states to enter into such agreements.

The commission shall have authority to propose, guide, and facilitate the establishment and carrying out of any such agreement;

(13) Every district shall, through public hearings, annual meetings, publications, or other means, keep the general public, agencies and occupiers of land within the district, informed of the works and activities planned and administered by the district, of the purposes these will serve, of the income and expenditures of the district, of the funds borrowed by the district and the purposes for which such funds are expended, and of the results achieved annually by the district; and

(14) The supervisors of conservation districts may designate an area, state, and national association of conservation districts as a coordinating agency in the execution of the duties imposed by this chapter, and to make gifts in the form of dues, quotas, or otherwise to such associations for costs of services rendered, and may support and attend such meetings as may be required to promote and perfect the organization and to effect its purposes. [1973 1st ex.s. c 184 § 23; 1963 c 110 § 1; 1961 c 240 § 13; 1955 c 304 § 23. Prior: (i) 1939 c 187 § 8; RRS § 10726-8. (ii) 1939 c 187 § 13; RRS § 10726-13.]

*Reviser's note: "this act" and "this 1973 amendatory act", see note following RCW 89.08.020.

89.08.340 INTERGOVERNMENTAL COOPERATION--TRANSFER, ALLOCATION, OF FUNDS. [1961 c 240 § 14; 1939 c 187 § 14; RRS § 10726-14.] Repealed by 1973 1st ex.s. c 184 § 29.

89.08.341 INTERGOVERNMENTAL COOPERATION--AUTHORITY. Any agency of the government of this state and any local political subdivision of this state is hereby authorized to make such arrangements with any district, through contract, regulation or other appropriate means, wherever it believes that such arrangements will promote administrative efficiency or economy.

In connection with any such arrangements, any state or local agency or political subdivision of this state is authorized, within the limits of funds available to it, to contribute funds, equipment, property or services to any district; and to collaborate with a district in jointly planning, constructing, financing or operating any work or activity provided for in such arrangements and in the joint acquisition, maintenance and

operation of equipment or facilities in connection therewith.

State agencies, the districts, and other local agencies are authorized to make available to each other maps, reports and data in their possession that are useful in the preparation of their respective programs and plans for resource conservation. The districts shall keep the state and local agencies fully informed concerning the status and progress of the preparation of their resource conservation programs and plans.

The state conservation commission and the counties of the state may provide respective conservation districts such administrative funds as will be necessary to carry out the purpose of *this 1973 amendatory act. [1973 1st ex.s. c 184 § 24.]

*Reviser's note: "this 1973 amendatory act", see note following RCW 89.08.020.

89.08.350 PETITION TO DISSOLVE DISTRICT—ELECTION. At any time after five years from the organization of a district, one hundred land occupiers in the district may file with the commission a petition, praying that the district be dissolved. The commission may hold public hearings thereon, and within sixty days from receipt of the petition, shall give due notice of an election on the question of dissolution. It shall provide appropriate ballots, conduct the election, canvass the returns, and declare the results in the same manner as for elections to create a district.

All district electors may vote at the election. No informality relating to the election shall invalidate it if notice is substantially given and the election is fairly conducted. [1973 1st ex.s. c 184 § 25; 1955 c 304 § 25. Prior: 1939 c 187 § 15, part; RRS § 10726-15, part.]

89.08.360 RESULT OF ELECTION--DETERMINATION OF PRACTICABILITY. If a majority of the votes cast at the election are for dissolution, the district shall be dissolved. If two-thirds of the votes are against dissolution, the commission shall determine whether the continuance of the district is practicable. In making the determination it shall consider all the factors considered by it in determining that the district was practicable originally. If it finds that further operation of the district is impracticable it shall order it dissolved and certify its determination to the supervisors. [1973 1st ex.s. c 184 § 26; 1955 c 304 § 26. Prior: 1939 c 187 § 15, part; RRS § 10726-15, part.]

89.08.370 DISPOSITION OF AFFAIRS UPON DISSOLUTION. If the district is ordered dissolved, the supervisors shall forthwith terminate the affairs of the district and

dispose of all district property at public auction, and pay the proceeds therefrom to the state treasurer.

They shall then file a verified application with the secretary of state for the dissolution of the district, accompanied by a certificate of the commission reciting the determination that further operation of the district is impracticable. The application shall recite that the property of the district has been disposed of, that the proceeds therefrom have been paid to the treasurer, and contain a full accounting of the property and proceeds. Thereupon the secretary shall issue to the supervisors a certificate of dissolution and file a copy thereof in his records. [1973 1st ex.s. c 184 § 27; 1955 c 304 § 27. Prior: 1939 c 187 § 15, part; RRS § 10726-15, part.]

89.08.380 EFFECT OF DISSOLUTION--COMMITTEE SUBSTITUTED. A dissolution of a district shall not affect any contracts or obligations of the district. Upon the issuance of the certificate of dissolution, the commission shall be substituted for the supervisors and it shall assume all the duties, liabilities, and powers of the supervisors.

When a petition for the dissolution of a district is rejected, no new petition may be filed for a period of five years. [1973 1st ex.s. c 184 § 28; 1955 c 304 § 28. Prior: 1939 c 187 § 15, part; RRS § 10726-15, part.]

89.08.391 WATER RIGHTS PRESERVED. Insofar as any of the provisions of this chapter are inconsistent with the provisions of any other law, the provisions of this chapter shall be controlling: PROVIDED, HOWEVER, That none of the provisions of this chapter shall be construed so as to impair water rights appurtenant to lands within or without the boundaries of any district or districts organized hereunder. [1973 1st ex.s. c 184 § 30.]

89.08.901 SEVERABILITY--1973 1ST EX.S. C 184. If any provision of this chapter, or the application of any provision to any person or circumstances, is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby. [1973 1st ex.s. c 184 § 31.]

Chapter 89.16
RECLAMATION BY STATE

89.16.020 RECLAMATION ACCOUNT CREATED--COMPOSITION. For the purpose of carrying out the provisions of this chapter the state reclamation revolving account, heretofore established and

hereinafter called the reclamation account, shall consist of all sums appropriated thereto by the legislature; all gifts made to the state therefor and the proceeds of the sale thereof; the proceeds of the sale or redemption of and the interest earned by securities acquired with the moneys thereof; and all reimbursements for moneys advanced for the payment of assessments upon public lands of the state for the improvement thereof. [1973 1st ex.s. c 40 § 1; 1972 ex.s. c 51 § 2; 1959 c 104 § 2. Prior: 1919 c 158 § 4, part; RRS § 3007, part.]

89.16.120 TAX LEVY. [1933 c 24 § 1; 1931 c 80 § 1; 1929 c 94 § 1; 1927 c 218 § 1; 1925 ex.s. c 151 § 1; 1919 c 158 § 12; RRS § 3015.] Repealed by 1973 1st ex.s. c 40 § 2.

TITLE 90
WATER RIGHTS—ENVIRONMENT
(FORMERLY: WATER RIGHTS)

Sections added, amended, or repealed:

Chapter 90.14 Water Rights—Registration—Waiver and Relinquishment, etc.

90.14.051 Statement of claim—Contents—Short form.

Chapter 90.16 Appropriation of Water for Public and Industrial Purposes.

90.16.090 Disposition of fees.

Chapter 90.44 Regulation of Public Ground Waters.

90.44.035 "Ground waters", "natural ground water" and "artificially stored ground water" defined.

Chapter 90.48 Water Pollution Control.

90.48.010 Policy enunciated.
90.48.070 Determination of polluting substances, conditions.
90.48.120 Notice of department's determination that violation has or will occur—Report to department of compliance with determination—Order or directive to be issued—Notice.
90.48.140 Penalty.
90.48.144 Violations—Civil penalty—Procedure—Appeals.
90.48.160 Waste disposal permit—Required—Exemptions.
90.48.260 Federal water pollution control act—Department designated as state agency, authority—Powers, duties and functions.

90.48.262 Implementation of RCW 90.48-.260—Permits for thermal power plants—Rules and procedures.

Chapter 90.58 Shoreline Management Act of 1971.

90.58.030 Definitions and concepts.
90.58.140 Development permits—Grounds for granting—Departmental appeal on issuance—Administration by local government, conditions—Rescission—When permits not required—Approval when permit for variance or conditional use.

90.58.175 Rules and regulations.

90.58.180 Appeals from granting, denying or rescinding permits, procedure—Board to act, when—Local government appeals to board—Grounds for declaring master program invalid—Appeals to court, procedure.

90.58.930 Referendum to the people—1971 act—Determining if act continues in force and effect. (See note.)

Chapter 90.62 Environmental Coordination Procedures Act.

90.62.010 Legislative finding—Purposes.

90.62.020 Definitions.

90.62.030 Thermal power plants exempt from chapter.

90.62.040 Master application for proposed project—Contents—Requirements—Notice to state agencies—Forms.

90.62.050 Notice of proposed project—Publication—Contents—Public hearing.

90.62.060 Public hearing—Procedure—Final decisions.

90.62.070 Withdrawal of agency from participation.

90.62.080 Departmental review—Judicial review.

90.62.090 Application, scope, construction of chapter—Continuation of fee schedules.

90.62.100 Compliance with local zoning ordinances and plans—Certification—Other laws not affected.

90.62.110 Rules—Authority—Cooperation enjoined.

90.62.120 Permit requirements information centers—Offices for environmental permit applications—Procedures.

90.62.900 Report to legislature.

90.62.901 Conflicts with federal requirements—Compliance with federal laws.

90.62.904 Liberal construction.

90.62.905 Short title.

90.62.906 Effective date—1973 1st ex.s. c 185.

90.62.907 Severability—1973 1st ex.s. c 185.

Chapter 90.14

WATER RIGHTS--REGISTRATION--WAIVER AND RELINQUISHMENT, ETC.

90.14.051 STATEMENT OF CLAIM--CONTENTS--SHORT FORM. The statement of claim for each right shall include substantially the following:

(1) The name and mailing address of the claimant.

(2) The name of the watercourse or water source from which the right to divert or make use of water is claimed, if available.

(3) The quantities of water and times of use claimed.

(4) The legal description, with reasonable certainty, of the point or points of diversion and places of use of waters.

(5) The purpose of use, including, if for irrigation, the number of acres irrigated.

(6) The approximate dates of first putting water to beneficial use for the various amounts and times claimed in subsection (3).

(7) The legal doctrine or doctrines upon which the right claimed is based, including if statutory, the specific statute.

(8) The sworn statement that the claim set forth is true and correct to the best of claimant's knowledge and belief.

Except, however, that any claim for diversion or withdrawal of surface or ground water for those uses described in the exemption from the permit requirements of RCW 90.44.050 may be filed on a short form to be provided by the department. Such short form shall only require inclusion of sufficient data to identify the claimant, source of water, purpose of use and legal description of the land upon which the water is used: PROVIDED, That the provisions of RCW 90.14.081 pertaining to evidentiary value of filed claims shall not apply to claims submitted in short form: AND PROVIDED FURTHER, That claimants for such minimal uses may, at their option, file statements of claim on the standard form used by all other claimants. [1973 1st ex.s. c 113 § 1; 1969 ex.s. c 284 § 14.]

Chapter 90.16

APPROPRIATION OF WATER FOR PUBLIC AND INDUSTRIAL PURPOSES

90.16.090 DISPOSITION OF FEES. All fees paid under provisions of this chapter, shall be credited by the state treasurer to the reclamation revolving fund and subject to legislative appropriation, be allocated and expended by the director of the department of conservation for investigations and surveys of natural resources in cooperation with the federal

government, or independently thereof, including stream gaging, hydrographic, topographic, river, underground water, mineral and geological surveys: PROVIDED, That in any one biennium all said expenditures shall not exceed total receipts from said power license fees collected during said biennium: AND PROVIDED FURTHER, That the portion of money allocated by said director to be expended in cooperation with the federal government shall be contingent upon the federal government making available equal amounts for such investigations and surveys. [1973 c 106 § 39; 1939 c 209 § 1; 1929 c 105 § 3; RRS § 11575-3.]

Chapter 90.44

REGULATION OF PUBLIC GROUND WATERS

90.44.035 "GROUND WATERS", "NATURAL GROUND WATER" AND "ARTIFICIALLY STORED GROUND WATER" DEFINED. All waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of this state, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves, are defined for the purposes of this chapter as "ground waters." There is recognized a distinction between: (1) Water that exists in underground storage owing wholly to natural processes; for the purposes of this chapter such water is designated as "natural ground water." (2) Water that is made available in underground storage artificially, either intentionally, or incidentally to irrigation and that otherwise would have been dissipated by natural waste; for the purposes of this chapter such water is designated as "artificially stored ground water.. [1973 c 94 § 2; 1945 c 263 § 3; RRS § 7400-3. Formerly RCW 90.44.010.]

Purpose--1973 c 94: "It is the purpose of this 1973 amendatory act to state as well as reaffirm the intent of the legislature that "ground waters," as defined in chapter 263, Laws of 1945, means all waters within the state existing beneath the land surface, and to remove any possible ambiguity which may exist as a result of the dissenting opinion in State v. Ponten, 77 Wn.2d 463 (1969), or otherwise, with regard to the meaning of "ground waters" in the present wording of RCW 90.44.035. The definition set forth in section 2 of this 1973 amendatory act accords with the interpretation given by all of the various administrative agencies having responsibility for administration of the act since its enactment in 1945." [1973 c 94 § 1.] This applies to the amendment to RCW 90.44.035 by 1973 c 94 § 2.

Chapter 90.48
WATER POLLUTION CONTROL

Cross Reference:

Domestic waste treatment plants—Certification and regulation of operators: Chapter 70.95B RCW.

90.48.010 POLICY ENUNCIATED. It is declared to be the public policy of the state of Washington to maintain the highest possible standards to insure the purity of all waters of the state consistent with public health and public enjoyment thereof, the propagation and protection of wild life, birds, game, fish and other aquatic life, and the industrial development of the state, and to that end require the use of all known available and reasonable methods by industries and others to prevent and control the pollution of the waters of the state of Washington. Consistent with this policy, the state of Washington will exercise its powers, as fully and as effectively as possible, to retain and secure high quality for all waters of the state. The state of Washington in recognition of the federal government's interest in the quality of the navigable waters of the United States, of which certain portions thereof are within the jurisdictional limits of this state, proclaims a public policy of working cooperatively with the federal government in a joint effort to extinguish the sources of water quality degradation, while at the same time preserving and vigorously exercising state powers to insure that present and future standards of water quality within the state shall be determined by the citizenry, through and by the efforts of state government, of the state of Washington. [1973 c 155 § 1; 1945 c 216 § 1; Rem. Supp. 1945 § 10964a.]

90.48.070 DETERMINATION OF POLLUTING SUBSTANCES, CONDITIONS. [1945 c 216 § 13; Rem. Supp. 1945 § 10964m.] Repealed by 1973 c 155 § 10.

90.48.120 NOTICE OF DEPARTMENT'S DETERMINATION THAT VIOLATION HAS OR WILL OCCUR—REPORT TO DEPARTMENT OF COMPLIANCE WITH DETERMINATION—ORDER OR DIRECTIVE TO BE ISSUED—NOTICE. (1) Whenever, in the opinion of the department, any person shall violate or is about to violate the provisions of this chapter, or fails to control the polluting content of waste discharged or to be discharged into any waters of the state, the department shall notify such person of its determination by registered mail. Such determination shall not constitute an order or directive under RCW 90.48.135. Within thirty days from the receipt of notice of such determination, such person shall file with the department a full report stating what steps have been and are being taken to

control such waste or pollution or to otherwise comply with the determination of the department. Whereupon the department shall issue such order or directive as it deems appropriate under the circumstances, and shall notify such person thereof by registered mail.

(2) Whenever the department deems immediate action is necessary to accomplish the purposes of chapter 90.48 RCW, it may issue such order or directive, as appropriate under the circumstances, without first issuing a notice or determination pursuant to subsection (1) of this section. An order or directive issued pursuant to this subsection shall be served by registered mail or personally upon any person to whom it is directed. [1973 c 155 § 2; 1967 c 13 § 11; 1945 c 216 § 18; Rem. Supp. 1945 § 10964r.]

90.48.140 PENALTY. Any person found guilty of wilfully violating any of the provisions of this chapter, or any final written orders or directive of the department or a court in pursuance thereof shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment in the discretion of the court. Each day upon which a wilful violation of the provisions of this chapter occurs may be deemed a separate and additional violation. [1973 c 155 § 8; 1945 c 216 § 20; Rem. Supp. 1945 § 10964t.]

90.48.144 VIOLATIONS—CIVIL PENALTY—PROCEDURE—APPEALS. Every person who:

(1) Violates the terms or conditions of a waste discharge permit issued pursuant to RCW 90.48.180 or *this amendatory act, or

(2) Conducts a commercial or industrial operation or other point source discharge operation without a waste discharge permit as required by RCW 90.48.160 or *this amendatory act, or

(3) Violates the provisions of RCW 90.48.080, shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to five thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for. The penalty herein provided for shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the

person incurring the same from the director of the department or his authorized delegate describing such violation with reasonable particularity. The director or his authorized delegate may, upon written application therefor received within fifteen days after notice imposing any penalty is received by the person incurring the penalty, and when deemed in the best interest to carry out the purposes of this chapter, remit or mitigate any penalty provided for in this section upon such terms as he in his discretion shall deem proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he may deem proper. Any person incurring any penalty hereunder may appeal the same to the hearings board as provided for in chapter 43.21B RCW. Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department. When an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the director or his authorized delegate setting forth the disposition of the application. Any penalty imposed hereunder shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When an application for remission or mitigation is made, any penalty incurred hereunder shall become due and payable thirty days after receipt of notice setting forth the disposition of the application unless an appeal is filed from such disposition. Whenever an appeal of any penalty incurred hereunder is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part. If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided. All penalties recovered under this section shall be paid into the state treasury and credited to the general fund. [1973 c 155 § 9; 1970 ex.s. c 88 § 13; 1967 ex.s. c 139 § 14.]

*Reviser's note: "this amendatory act", see note following RCW 90.48.262.

90.48.160 WASTE DISPOSAL PERMIT--REQUIRED--EXEMPTIONS. Any person who conducts a commercial or industrial operation of any type which results in the disposal

of solid or liquid waste material into the waters of the state, including commercial or industrial operators discharging solid or liquid waste material into sewerage systems operated by municipalities or public entities which discharge into public waters of the state, shall procure a permit from either the department or the thermal power plant site evaluation council as provided in RCW 90.48.262 (2) before disposing of such waste material: PROVIDED, That this section shall not apply to any person discharging domestic sewage only into a sewerage system.

The department may, through the adoption of rules, eliminate the permit requirements for disposing of wastes into publicly operated sewerage systems for:

(1) Categories of or individual municipalities or public corporations operating sewerage systems; or

(2) Any category of waste disposer;

if the department determines such permit requirements are no longer necessary for the effective implementation of this chapter. [1973 c 155 § 3; 1967 c 13 § 13; 1955 c 71 § 1.]

90.48.260 FEDERAL WATER POLLUTION CONTROL ACT--DEPARTMENT DESIGNATED AS STATE AGENCY, AUTHORITY--POWERS, DUTIES AND FUNCTIONS. The department of ecology is hereby designated as the State Water Pollution Control Agency for all purposes of the Federal Water Pollution Control Act as it now exists and is hereby authorized to participate fully in the programs of the act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that act. The powers granted herein include, among others, and notwithstanding any other provisions of chapter 90.48 RCW or otherwise, the following:

(1) Complete authority to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program which will enable the department to qualify for full participation in any national waste discharge or pollution discharge elimination permit system and will allow the department to be the sole agency issuing permits required by such national system operating in the state of Washington subject to the provisions of RCW 90.48.262 (2). Program elements authorized herein may include, but are not limited to: (a) Effluent treatment and limitation requirements together with timing requirements related thereto; (b) applicable receiving water quality standards requirements; (c) requirements of standards of performance for new sources; (d) pretreatment requirements; (e) termination and modification of permits for cause; (f) requirements for public notices and opportunities for public hearings; (g) appropriate relationships with the secretary of the army in the administration of his responsibilities which relate to anchorage and navigation,

with the administrator of the environmental protection agency in the performance of his duties, and with other governmental officials under the Federal Water Pollution Control Act; (h) requirements for inspection, monitoring, entry, and reporting; (i) enforcement of the program through penalties, emergency powers, and criminal sanctions; (j) a continuing planning process; and (k) user charges.

(2) The power to establish and administer state programs in a manner which will insure the procurement of moneys, whether in the form of grants, loans, or otherwise; to assist in the construction, operation, and maintenance of various water pollution control facilities and works; and the administering of various state water pollution control management, regulatory, and enforcement programs.

(3) The power to develop and implement appropriate programs pertaining to continuing planning processes, area-wide waste treatment management plans, and basin planning.

The governor shall have authority to perform those actions required of him by the Federal Water Pollution Control Act. [1973 c 155 § 4; 1967 c 13 § 24.]

90.48.262 IMPLEMENTATION OF RCW 90.48-.260—PERMITS FOR THERMAL POWER PLANTS—RULES AND PROCEDURES. (1) The powers established under RCW 90.48.260 shall be implemented by the department through the adoption of rules in every appropriate situation. The permit program authorized under RCW 90.48.260 (1) shall constitute a continuation of the established permit program of RCW 90.48.160 and other applicable sections within chapter 90.48 RCW. The appropriate modifications as authorized in *this 1973 amendatory act are designed to avoid duplication and other wasteful practices and to insure that the state permit program contains all required elements of and is compatible with the requirements of any national permit system.

(2) Permits for thermal power plants subject to chapter 80.50 RCW shall be issued by the thermal power plant site evaluation council: PROVIDED, That such permits shall become effective only if the governor approves an application for certification and executes a certification agreement pursuant to said chapter. The council shall have all powers necessary to establish and administer a point source discharge permit program pertaining to such plants, consistent with applicable receiving water quality standards established by the department, and to qualify for full participation in any national waste discharge or pollution discharge elimination permit system. The council and the department shall each adopt, by rules, procedures which will provide maximum coordination and avoid duplication between the two agencies with respect to permits in carrying out the requirements

of *this act including, but not limited to, monitoring and enforcement of certification agreements, and in qualifying for full participation in any such national system. [1973 c 155 § 5.]

*Reviser's note: "this 1973 amendatory act" and "this act" apparently refer to 1973 c 155, which consists of this section, amendments to RCW 90.48.010, 90.48-.120, 90.48.140, 90.48.144, 90.48.160, 90.48.260, and the repeal of RCW 90.48.070.

90.48.315 DISCHARGE OF OIL INTO WATERS OF THE STATE—DEFINITIONS.

Cross Reference:

Marine oil pollution—Baseline study program: RCW 43.21A.405-43.21A.420.

Chapter 90.58

SHORELINE MANAGEMENT ACT OF 1971

Cross Reference:

Marine oil pollution—Baseline study program: RCW 43.21A.405-43.21A.420.

90.58.030 DEFINITIONS AND CONCEPTS. As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971 or as it may naturally change thereafter: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean

higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta—from DeWolf Bight to Tatsolo Point,

(B) Birch Bay—from Point Whitehorn to Birch Point,

(C) Hood Canal—from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area—from Brown Point to Yokeko Point, and

(E) Padilla Bay—from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those wetlands associated with (i), (ii), (iv), and (v) of this subsection (2) (e);

(f) "Wetlands" or "wetland areas" means those lands extending landward for two

hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; and all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the streams, lakes and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds one thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction of a barn or similar agricultural structure on wetlands;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction

thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee or contract purchaser of a single family residence, the cost of which does not exceed two thousand five hundred dollars. [1973 1st ex.s. c 203 § 1; 1971 ex.s. c 286 § 3.]

90.58.140 DEVELOPMENT PERMITS—GROUNDS FOR GRANTING—DEPARTMENTAL APPEAL ON ISSUANCE—ADMINISTRATION BY LOCAL GOVERNMENT, CONDITIONS—RESCISSION—WHEN PERMITS NOT REQUIRED—APPROVAL WHEN PERMIT FOR VARIANCE OR CONDITIONAL USE. (1) No development shall be undertaken on the shorelines of the state except those which are consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, regulations or master program.

(2) No substantial development shall be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.

A permit shall be granted:

(a) From June 1, 1971 until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020; and (ii) after their adoption, the guidelines and regulations of the department; and (iii) so far as can be ascertained, the master program being developed for the area. In the event the department is of the opinion that any permit granted under this subsection is inconsistent with the policy declared in RCW 90.58.020 or is otherwise not authorized by this section, the department may appeal the issuance of such permit within thirty days to the hearings board upon written notice to the local government and the permittee;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and the policy of RCW 90.58.020.

(3) Local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. Any such system shall include a requirement that all applications and permits shall be subject to the same public notice procedures as provided for applications for waste disposal permits for new operations under RCW 90.48-.170. The administration of the system so established shall be performed exclusively by local government.

(4) Such system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until forty-five days from the date of final approval by the local government

or, except in the case of any permit issued to the state of Washington, department of highways, for the construction and modification of the SR 90 (I-90) bridges across Lake Washington, until all review proceedings are terminated if such proceedings were initiated within forty-five days from the date of final approval by the local government.

(5) Any ruling on an application for a permit under authority of this section, whether it be an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general.

(6) Applicants for permits under this section shall have the burden of proving that a proposed substantial development is consistent with the criteria which must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.160 (1), the person requesting the review shall have the burden of proof.

(7) Any permit may be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a permit. In the event the department is of the opinion that such noncompliance exists, the department may appeal within thirty days to the hearings board for a rescission of such permit upon written notice to the local government and the permittee.

(8) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

(9) No permit shall be required for any development on shorelines of the state included within a preliminary or final plat approved by the applicable state agency or local government prior to April 1, 1971, if:

(a) The final plat was approved after April 13, 1961, or the preliminary plat was approved after April 30, 1969, or

(b) Sales of lots to purchasers with reference to the plat, or substantial development incident to platting or required by the plat, occurred prior to April 1, 1971, and

(c) The development to be made without a permit meets all requirements of the applicable state agency or local government, other than requirements imposed pursuant to this chapter, and

(d) The development does not involve construction of buildings, or involves construction on wetlands of buildings to serve only as community social or recreational facilities for the use of owners of platted lots and the buildings do not exceed a height of thirty-five feet above average grade level, and

(e) The development is completed within two years after the effective date of this chapter.

(10) The applicable state agency or local government is authorized to approve a final plat with respect to shorelines of

the state included within a preliminary plat approved after April 30, 1969, and prior to April 1, 1971: PROVIDED, That any substantial development within the platted shorelines of the state is authorized by a permit granted pursuant to this section, or does not require a permit as provided in subsection (9) of this section, or does not require a permit because of substantial development occurred prior to June 1, 1971.

(11) Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval. [1973 2nd ex.s. c 19 § 1; 1971 ex.s. c 286 § 14.]

90.58.175 RULES AND REGULATIONS. The shorelines hearings board may adopt rules and regulations governing the administrative practice and procedure in and before the board. [1973 1st ex.s. c 203 § 3.]

90.58.180 APPEALS FROM GRANTING, DENYING OR RESCINDING PERMITS, PROCEDURE--BOARD TO ACT, WHEN--LOCAL GOVERNMENT APPEALS TO BOARD--GROUNDS FOR DECLARING MASTER PROGRAM INVALID--APPEALS TO COURT, PROCEDURE. (1) Any person aggrieved by the granting or denying of a permit on shorelines of the state, or rescinding a permit pursuant to RCW 90.58.150 may seek review from the shorelines hearings board by filing a request for the same within thirty days of receipt of the final order. Concurrently with the filing of any request for review with the board as provided in this section pertaining to a final order of a local government, the requestor shall file a copy of his request with the department and the attorney general. If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor: PROVIDED, That the failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor. The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within forty-five days from the date of the filing of said copies by the requestor.

(2) The department or the attorney general may obtain review of any final order granting a permit, or granting or denying an application for a permit issued by a local government by filing a written request with the shorelines appeals board and the appropriate local government within forty-five days from the date the final

order was filed as provided in subsection (5) of RCW 90.58.140.

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases. Judicial review of such proceedings of the shorelines hearings board may be had as provided in chapter 34.04 RCW.

(4) Local government may appeal to the shorelines hearings board any rules, regulations, guidelines, designations, or master programs for shorelines of the state adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

(a) In an appeal relating to a master program for shorelines, the board, after full consideration of the positions of the local government and the department, shall determine the validity of the master program. If the board determines that said program:

(i) is clearly erroneous in light of the policy of this chapter; or

(ii) constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

(iii) is arbitrary and capricious; or

(iv) was developed without fully considering and evaluating all proposed master programs submitted to the department by the local government; or

(v) was not adopted in accordance with required procedures;

the board shall enter a final decision declaring the program invalid, remanding the master program to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government, a new master program. Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the master program to be valid and enter a final decision to that effect.

(b) In an appeal relating to a master program for shorelines of state-wide significance the board shall approve the master program adopted by the department unless a local government shall, by clear and convincing evidence and argument, persuade the board that the master program approved by the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(c) In an appeal relating to rules, regulations, guidelines, master programs of state-wide significance, and designations, the standard of review provided in RCW 34.04.070 shall apply.

(5) Rules, regulations, designations, master programs, and guidelines shall be subject to review in superior court, if authorized pursuant to RCW 34.04.070: PROVIDED, That no review shall be granted by a superior court on petition from a

local government unless the local government shall first have obtained review under subsection (4) of this section and the petition for court review is filed within three months after the date of final decision by the shorelines hearings board. [1973 1st ex.s. c 203 § 2; 1971 ex.s. c 286 § 18.]

90.58.930 REFERENDUM TO THE PEOPLE--1971 ACT--DETERMINING IF ACT CONTINUES IN FORCE AND EFFECT.

Reviser's note: Chapter 90.58 RCW [1971 ex.s. c 286] was approved and validated at the 1972 general election as Alternative Measure 43B.

Chapter 90.62

ENVIRONMENTAL COORDINATION PROCEDURES ACT

90.62.010 LEGISLATIVE FINDING--PURPOSES. (1) It is the sense of the legislature that the heavy burdens placed upon persons proposing to undertake certain types of projects in this state through requirements to obtain numerous permits and related documents from various state and local agencies are undesirable and should be alleviated. The legislature further finds that present methods for obtaining public views in relation to applications to state and local agencies pertaining to these projects are cumbersome and place undue hardships on members of the public thereby thwarting the public's ability to present such views.

(2) The purposes of this chapter are to:

(a) Provide for an optional procedure to assist those who, in the course of satisfying the requirements of state government prior to undertaking a project which contemplates the use of the state's air, land, or water resources, must obtain a number of permits, from the department of ecology and one or more state or local agencies by establishing a mechanism in state government which will coordinate administrative decision-making procedures, and related quasi judicial and judicial review, pertaining to such documents.

(b) Provide to members of the public a better and easier opportunity to present their views comprehensively on proposed uses of natural resource and related environmental matters prior to the making of decisions on such uses by state or local agencies.

(c) Provide to members of the public who desire to carry out the aforementioned projects within the state of Washington a greater degree of certainty in terms of permit requirements of state and local government.

(d) Provide better coordination and understanding between state and local agencies in the administration of the various

programs relating to air, water, and land resources.

(e) Establish the opportunity for members of the public to obtain information pertaining to requirements of federal and state law which must be satisfied prior to undertaking a project in the state. [1973 1st ex.s. c 185 § 1.]

90.62.020 DEFINITIONS. For purposes of this chapter the following words mean, unless the context clearly dictates otherwise:

(1) "Board" means the pollution control hearings board.

(2) "Department" means the department of ecology.

(3) "Local government" means a county, city or town.

(4) "Permit" means any license, permit, certificate, certification, approval, compliance schedule, or other similar document pertaining to any regulatory or management program related to the protection, conservation, or use of, or interference with, the natural resources of land, air or water in the state, which is required to be obtained from a state agency prior to constructing or operating a project in the state of Washington. Permit shall also mean a substantial development permit under RCW 90.58.140. Nothing in this chapter shall relate to a permit issued by the department of labor and industries or by the utilities and transportation commission; nor to the granting of proprietary interests in publicly owned property such as sales, leases, easements, use permits and licenses.

(5) "Person" means any individual, municipal, public, or private corporation, or other entity however denominated, including a state agency and county.

(6) "Processing" and "processing of applications" mean the entire process to be followed in relation to the making of decisions on an application for a permit and review thereof as provided in RCW 90.62.040 through 90.62.080.

(7) "Project" means any new activity or any expansion of or addition to an existing activity, fixed in location, for which permits are required from the department of ecology and one or more other state agencies prior to construction or operation, including, but not limited to industrial and commercial operations and developments.

(8) "State agency" means any state department, commission, board or other agency of the state however titled. For the limited purposes of this chapter only "state agency" shall also mean (a) any local or regional air pollution control authority established under chapter 70.94 RCW and (b) any local government when said government is acting in its capacity as a decision maker on an application for a permit pursuant to RCW 90.58.140. [1973 1st ex.s. c 185 § 2.]

90.62.030 THERMAL POWER PLANTS EXEMPT FROM CHAPTER. Nothing in this chapter shall apply to a plant or project which is required to be the subject of a certification by the governor pursuant to chapter 80.50 RCW. [1973 1st ex.s. c 185 § 3.]

90.62.040 MASTER APPLICATION FOR PROPOSED PROJECT--CONTENTS--REQUIREMENTS--NOTICE TO STATE AGENCIES--FORMS. (1) Any person proposing a project may submit a master application to the department requesting the issuance of all permits necessary prior to the construction and operation of the project in the state of Washington. The master application shall be on a form furnished by the department and shall contain precise information as to the location of the project, and shall describe the nature of the project including any discharges of wastes proposed therefrom and any uses of, or interferences with, natural resources contemplated. No master application shall be accepted for processing by the department of ecology pursuant to this chapter unless it is accompanied by the certification of local government provided for in RCW 90.62.100.

(2) Upon receipt of a properly completed master application, the department shall immediately notify in writing each state agency having a possible interest in the master application arising from requirements pertaining to a permit program under its jurisdiction. The notification from the department shall be accompanied by a copy of the master application together with the date by which the agency shall respond to the notice. Each notified agency shall respond in writing to the department within the specified date, not exceeding fifteen days from receipt, as determined by the department, advising (a) (i) whether the agency does or does not have an interest in the master application, and (a) (ii) if the response to (a) (i) of this subsection is affirmative, the permit program or programs under the agency's jurisdiction to which the project described in the master application is pertinent, and whether, in relation to the master application, a public hearing as provided in RCW 90.62.050 and 90.62.060 would or would not be of value taking into consideration the overall public interest. Each notified agency which (b) (i) responds within the specified date that it does not have an interest in the master application or (b) (ii) does not respond as required above within the specified date, shall not subsequently require a permit of the applicant for the project described in the master application; provided the bar to requiring a permit subsequently shall not be applicable if the master application provided the notified agency contained false, misleading, or deceptive information, or other information, or lack thereof, which would reasonably lead an agency to misjudge its interest in a master application.

(3) The department shall submit application forms relating to permit programs identified in affirmative responses under subsection (2) of this section to the applicant with a direction to complete and return them to the department within a reasonable time as specified by the department.

(4) When such applications, properly completed, have been returned to the department, each of the applications shall be transmitted to the appropriate state agency for the performance of its responsibilities of decision making in accordance with the procedures of this chapter.

(5) For the purpose of establishing priority dates upon water right permits and certificates issued pursuant to rulings on applications under chapters 90.03 and 90.44 RCW and processed under this chapter, the priority date shall be the date of submitting the master application to the department or the county office as provided in RCW 90.62.120 (2). [1973 1st ex.s. c 185 § 4.]

90.62.050 NOTICE OF PROPOSED PROJECT--PUBLICATION--CONTENTS--PUBLIC HEARING. (1) The department, within a reasonable time after transmittal under RCW 90.62.040 (4), shall cause a notice to be published at the applicant's expense once each week on the same day of the week for three consecutive weeks in a newspaper of general circulation within each county in which the project is proposed to be constructed or operated. The notice shall describe the nature of the master application including, with reasonable specificity, the project proposed, its location, the various permits applied for, and the state agency having jurisdiction over each such permit. Except as provided in RCW 90.62.050 (2), the notice shall also state the time and place of the public hearing (to be held not less than twenty days after the date of last publication of the notice). It shall further state that a copy of the master application and a copy of all permit applications for the project are available for public inspection in the office for environmental permit applications of each county in which the project is proposed to be constructed or operated, as well as at the Olympia office and appropriate regional office of the department, together with such other locations as the department may designate.

(2) If the responses received by the department from state agencies under RCW 90.62.040 (2) unanimously state the position that a public hearing in relation to a master application would not be of value taking into consideration the overall public interest, and the department, after a careful evaluation, taking into consideration all interests involved, including the opportunities for members of the public to present views, concludes likewise, the provisions of subsection (1) of this section pertaining to the time and place

(3) If the responses received by the department from state agencies under RCW 90.62.040 (2) do not unanimously state the position that a public hearing in relation to a master application would not be of value taking into consideration the overall public interest, and the department, after a careful evaluation, taking into consideration all interests involved, including the opportunities for members of the public to present views, concludes likewise, the provisions of subsection (1) of this section pertaining to the time and place

(4) If the responses received by the department from state agencies under RCW 90.62.040 (2) do not unanimously state the position that a public hearing in relation to a master application would not be of value taking into consideration the overall public interest, and the department, after a careful evaluation, taking into consideration all interests involved, including the opportunities for members of the public to present views, concludes likewise, the provisions of subsection (1) of this section pertaining to the time and place

(5) If the responses received by the department from state agencies under RCW 90.62.040 (2) do not unanimously state the position that a public hearing in relation to a master application would not be of value taking into consideration the overall public interest, and the department, after a careful evaluation, taking into consideration all interests involved, including the opportunities for members of the public to present views, concludes likewise, the provisions of subsection (1) of this section pertaining to the time and place

(6) If the responses received by the department from state agencies under RCW 90.62.040 (2) do not unanimously state the position that a public hearing in relation to a master application would not be of value taking into consideration the overall public interest, and the department, after a careful evaluation, taking into consideration all interests involved, including the opportunities for members of the public to present views, concludes likewise, the provisions of subsection (1) of this section pertaining to the time and place

of a public hearing shall not be included in the notice. In place thereof the notice shall state that members of the public may present relevant views and supporting materials in writing to the department in relation to any of the permits applied for within thirty days after the last date of publication of the notice in a newspaper. [1973 1st ex.s. c 185 § 5.]

90.62.060 PUBLIC HEARING—PROCEDURE—FINAL DECISIONS. (1) Except as provided in RCW 90.62.050 (2), prior to any final decision on any permit applications relating to a project subject to the procedures of this chapter, a public hearing shall be held in the county in which all or a major part of the proposed project is to be constructed or operated, such hearing to be held pursuant to notice made under RCW 90.62.050 (1). At any such hearing the applicant may submit any relevant information and material in support of his applications, and members of the public may present relevant views and supporting materials in relation to any or all of the applications being considered.

(2) Each state agency having an application for a permit before it as described in the notice in RCW 90.62.050 (1) shall be represented at the public hearing by its chief administrative officer or his designee. The director of the department, or a hearing officer duly appointed by him, shall chair the hearing; however, the representative of any state agency (other than the department) within whose jurisdiction a specific application lies shall conduct the portion of the hearing pertaining to submission of information, views, and supporting materials which are relevant to that application. The chairman may, when appropriate, continue a hearing from time to time and place to place. The hearing shall be recorded in any manner suitable for transcription as determined by the department.

(3) No provisions of chapter 34.04 RCW shall apply to the hearing provided for by this section. Said hearing shall be conducted for the purpose of obtaining information for the assistance of state agencies but shall not be considered a trial or adversary proceeding.

(4) Upon completion of the public hearing the chairman, after consultation with the state agency representatives, shall establish the date by which all state agencies shall forward their final decisions on applications before them to the department: PROVIDED, That this date may be extended by the chairman for reasonable cause. Every final decision shall set forth the basis for the conclusion reached together with a final order denying the application for a permit or granting it, subject to such conditions of approval as the deciding agency may have power to impose.

(5) In situations where a notice is provided pursuant to RCW 90.62.050 (2) and no public hearing is conducted, the department shall, after thirty days after the last notice publication in the newspaper, submit a copy of all views and supporting material received by it to each agency having an application for a permit before it as described in the notice. Concurrently therewith, the department shall notify each state agency, in writing, of the date by which final decisions on applications shall be forwarded to the department: PROVIDED, That this date may be extended by the department for reasonable cause. Each such final decision shall consist of the same contents as provided for final decisions in RCW 90.62.060 (4).

(6) As soon as all final decisions are received by the department from the various participating state agencies, as provided in RCW 90.62.060 (4) and (5), the department shall incorporate them, without modification, into one document and transmit the same to the applicant either personally or by registered mail.

(7) Each state agency having jurisdiction to approve or deny an application for a permit shall have continuing power as vested in it prior to enactment of this chapter to make such determinations. Nothing in RCW 90.62.030 through 90.62.060 shall lessen or reduce such powers, and such sections shall modify only the procedures to be followed in the carrying out of such powers.

(8) A state agency may in the performance of its responsibilities of decision making under this chapter, request or receive additional information from an applicant and others prior or subsequent to a public hearing as necessary to the performance thereof. [1973 1st ex.s. c 185 § 6.]

90.62.070 WITHDRAWAL OF AGENCY FROM PARTICIPATION. A state agency responding affirmatively as provided in RCW 90.62.040 (2) may withdraw from further participation in the processing provided in RCW 90.62.040, 90.62.050, and 90.62.060 at any time, by written notification to the director, if it subsequently appears to such state agency that it has no permit programs under its jurisdiction applicable to the project. [1973 1st ex.s. c 185 § 7.]

90.62.080 DEPARTMENTAL REVIEW—JUDICIAL REVIEW. (1) Any person aggrieved by any final decision contained in the document issued by the department pursuant to RCW 90.62.060 (6) may obtain review thereof by filing a request, with the board, within thirty days of the transmittal under RCW 90.62.060 (6) by the department of ecology of the document, for all final decisions other than a final decision relating to the granting or denial of a substantial development permit pursuant to

RCW 90.58.140 in which case the filing of such request shall be with the shorelines hearings board. The board shall review all final decisions other than a final decision on a substantial development permit which shall be reviewed by the shorelines hearings board. In the event a request for review includes a final decision involving a substantial development permit and other permits, there shall be single staged hearing of the permits by the boards. The board shall be authorized to adopt rules and regulations implementing such staged hearings and the filing of requests so as to eliminate all unnecessary duplication. The scope of review by the boards and the standards of reviews used by the boards for determining the validity of any final decision shall be those contained in RCW 34.04.130.

(2) Judicial review of decisions of the actions of boards shall be controlled by RCW 43.21B.180 through 43.21B.200 except as they relate to decisions pertaining to substantial development permits under RCW 90.58.140 which shall be controlled by RCW 90.58.180. [1973 1st ex.s. c 185 § 8.]

90.62.090 APPLICATION, SCOPE, CONSTRUCTION OF CHAPTER--CONTINUATION OF FEE SCHEDULES. Notwithstanding any other statutes relating to the processing of application for permits, the procedures, including timing requirements and approval requirements related thereto, set forth in this chapter shall be exclusive in relation to applications for permits filed pursuant to RCW 90.62.040. The procedures of this chapter shall be in lieu of any procedures otherwise provided by statute, existing or hereafter enacted, to be followed by a state agency in ruling upon an application for a permit for a project under this chapter.

(2) The procedures of this chapter are applicable only to projects as defined in RCW 90.62.020 (7) and only through the completion of final decisions under RCW 90.62.060 and of review proceedings of RCW 90.62.080 and any ancillary proceedings. This chapter shall have no applicability to any applications for permit renewals, amendments, extensions, or other similar documents, or for replacing permits which are required subsequent to the completion of the decisions and proceedings under RCW 90.62.060 and 90.62.080 and any ancillary proceedings. For purposes of this section "ancillary proceedings" shall mean all proceedings, quasi judicial and judicial, held pursuant to any order of remand or similar order by the board or a court in relation to a final decision of a state agency made hereunder and held in response to the order of remand or similar order.

(3) Fee schedules previously and expressly established or authorized by statute in relation to any application for a permit shall continue to be applicable even though processed under this chapter. The department shall collect such fees and

forward them to the appropriate state agency. [1973 1st ex.s. c 185 § 9.]

90.62.100 COMPLIANCE WITH LOCAL ZONING ORDINANCES AND PLANS--CERTIFICATION--OTHER LAWS NOT AFFECTED. (1) No master application pertaining to a project filed under RCW 90.62.040 shall be processed under this chapter unless it is accompanied by a certification from the pertinent local government that the project is in compliance with all zoning ordinances, and associated comprehensive plans, administered by said local government relating to the location of the project: PROVIDED, That if the local government has no such ordinances or plans the certification from local government shall so state and issue. For purposes of this section master programs of chapter 90.58 RCW are not zoning ordinances administered by local government. Local governments are authorized to accept applications for certifications as provided in this section and are directed to rule upon the same expeditiously to insure the purposes of this chapter are accomplished fully. Upon certification, the local government may not change such zoning ordinances so as to affect the proposed project until the procedures of this chapter, including any board or court reviews, are completed. The provisions of the state environmental policy act relating to the preparation of detailed impact statements shall not be applicable to the action approving or denying certifications authorized in this section.

(2) Nothing in this chapter shall modify in any manner whatsoever the applicability or inapplicability of any land use regulation statutes or local zoning ordinances to lands of any state agency.

(3) Approval of an application for certification as provided in this section shall not eliminate any requirements of the Shoreline Management Act of 1971 or any other statutes administered by a local government. A ruling by local government denying an application for certification shall not be appealable under this chapter: PROVIDED, That the denial of an application for certification pursuant to subsection (1) of this section shall not preclude the applicant from filing a permit application under any other available statute or procedure. [1973 1st ex.s. c 185 § 10.]

90.62.110 RULES--AUTHORITY--COOPERATION ENJOINED. (1) The department shall adopt such rules as are appropriate to carry out the provisions of this chapter. This authority includes, but is not limited to, the following subjects and sections or subsections of this chapter:

(a) Master application procedures under RCW 90.62.040 (1) and (2).

(b) Application procedures under RCW 90.62.040 (3).

(c) Notice procedures under RCW 90.62.050.

(d) Public hearing and final decision procedures under RCW 90.62.060 (1), (2), and (3).

(e) A program, and procedures, including time requirements relating thereto, to guide local governments in the implementation of RCW 90.62.100 (1).

(f) A listing of the various types of permits covered by this chapter together with the state agency issuing each such permit, and the statutory authority providing for such issuance.

(2) State agencies and local governments shall cooperate fully in the preparation implementation of rules authorized under this section and in otherwise carrying out the provisions of this chapter.

(3) Consistent with the procedural concepts for the processing of applications for permits established in RCW 90.62.040 through 90.62.060, the department of ecology may, by rule, establish a permit application processing procedure which may be used, at the request of an applicant, in relation to two or more permit programs administered solely by the department of ecology. [1973 1st ex.s. c 185 § 11.]

90.62.120 PERMIT REQUIREMENTS INFORMATION CENTERS—OFFICES FOR ENVIRONMENTAL PERMIT APPLICATIONS—PROCEDURES. (1) The department shall establish permit requirements information centers in its office at Olympia and in all of its regional offices which shall provide information to the public, in readily understandable form, pertaining to the requirements of federal, state, and local governments for permits which must be acquired before initiating various types of activities and projects proposed in the state with special emphasis being given to those permits which apply to the use of land, air, and water resources.

(2) There shall be designated by each county, in a place convenient to members of the general public an office or offices for environmental permit applications. It shall be the responsibility of said office to provide a master application as provided in this chapter to any person requesting the same. It shall further be the responsibility of the office to provide reasonable assistance in preparation of an application to any person requesting the same and to accept for transmission to the department completed master applications. All completed master applications received by the county office shall be submitted to the department for processing as provided in RCW 90.62.040 through 90.62.060. Filing of a master application with the county office shall constitute a submission to the department of ecology within the meaning of RCW 90.62.040 (1). The department shall provide full information, forms, instructions, and other assistance

relating to master applications and the other features of the program of this chapter to each county office to insure the provisions of this section are made fully effective in serving those desiring to file master applications under this chapter. [1973 1st ex.s. c 185 § 12.]

90.62.900 REPORT TO LEGISLATURE. The department, after consultation with other state agencies and local governments, shall submit to the legislature by January 1, 1975, a report setting forth the results of the experience under this chapter together with any recommendations and views pertaining to ways and means of improving the procedures and otherwise satisfying the purposes of this chapter. [1973 1st ex.s. c 185 § 13.]

90.62.901 CONFLICTS WITH FEDERAL REQUIREMENTS—COMPLIANCE WITH FEDERAL LAWS.

(1) If any part of this chapter shall be found in conflict with federal requirements which are a condition precedent to the allocation of federal funds authorized to the state, such conflicting part of this chapter is declared to be inoperative to the limited extent of such conflict and with respect to the agencies directly affected, and such findings or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned.

(2) The department of ecology, to the limited extent necessary to comply with procedural requirements of federal statutes relating to permit systems operated by the state, may modify the notice, timing, hearing and related procedural matters provided in this chapter. [1973 1st ex.s. c 185 § 14.]

90.62.904 LIBERAL CONSTRUCTION. The rule of strict construction shall have no application to this chapter and it shall be liberally construed in order to carry out its purposes. [1973 1st ex.s. c 185 § 15.]

90.62.905 SHORT TITLE. This 1973 act shall be known as the Environmental Coordination Procedures Act of 1973. [1973 1st ex.s. c 185 § 16.]

90.62.906 EFFECTIVE DATE—1973 1ST EX.S. C 185. This 1973 act shall take effect on January 1, 1974, except that the department, state agencies, and local governments are authorized to take such steps as are necessary prior to that date to insure that this 1973 act is properly implemented on its effective date. [1973 1st ex.s. c 185 § 18.]

90.62.907 SEVERABILITY—1973 1ST EX.S.
C 185. If any provision of this 1973 act
or its application to any person or cir-
cumstance is held invalid the remainder of

the act or the application of the provi-
sion to other persons or circumstances is
not affected, [1973 1st ex.s. c 185 §
19.]

PARALLEL TABLES: 1973 REGULAR SESSION LAWS--RCW

Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.
1	1	42.17.010		2	Em.		19	Repealer
	2	42.17.020	7	1	Approp.	21	1	Leg. dir.
	3	42.17.030		2	Temporary		2	9.95B.010
	4	42.17.040		3	Temporary		3	9.95B.020
	5	42.17.050		4	Em.		4	9.95B.030
	6	42.17.060	8	1	Temporary		5	9.95B.040
	7	42.17.070		2	Approp.		6	Eff. date
	8	42.17.080		3	Approp.			9.95B.900
	9	42.17.090		4	Approp.	22	1	2.42.010
	10	42.17.100		5	Approp.		2	2.42.020
	11	42.17.110		6	Approp.		3	2.42.030
	12	42.17.120		7	Approp.		4	2.42.040
	13	42.17.130		8	Approp.		5	2.42.050
	14	42.17.140		9	Approp.		6	Leg. dir.
	15	42.17.150		10	Em.	23	1	41.40.450
	16	42.17.160	9	1	43.75.200	24	1	56.08.100
	17	42.17.170		2	43.75.205		2	57.08.100
	18	42.17.180		3	43.75.215	25	1	11.08.185
	19	42.17.190		4	43.75.220	26	1	Special
	20	42.17.200		5	43.75.225	27	1	43.85.241
	21	42.17.210		6	43.75.230		2	43.08.190
	22	42.17.220		7	43.75.235		3	43.08.200
	23	42.17.230		8	Repealer	28	1	23A.08.305
	24	42.17.240		9	Sev.	29	1	26.24.090
	25	42.17.250			43.75.900	30	1	49.26.010
	26	42.17.260		10	43.75.910		2	49.26.020
	27	42.17.270	10	1	43.08.120		3	49.26.030
	28	42.17.280	11	1	15.28.010		4	49.26.040
	29	42.17.290	12	1	43.77.020		5	49.26.900
	30	42.17.300		2	43.77.030		6	Leg. dir.
	31	42.17.310	13	1	43.19.510	31	1	15.32.430
	32	42.17.320	14	1	36.23.065	32	1	28A.02.061
	33	42.17.330		2	36.23.070		2	Repealer
	34	42.17.340	15	1	46.72.040	33	1	40.04.040
	35	42.17.350		2	46.72.050		2	40.04.090
	36	42.17.360	16	1	36.18.020		3	40.04.100
	37	42.17.370	17	1	24.44.010	34	1	39.34.020
	38	42.17.380		2	24.44.020	35	1	27.32.010
	39	42.17.390		3	24.44.030		2	27.32.020
	40	42.17.400		4	24.44.040	36	1	36.45.030
	41	42.17.410		5	24.44.050	37	1	2.12.060
	42	42.17.420		6	24.44.060		2	Em.
	43	42.17.430		7	Sev.	38	1	36.18.020
	44	42.17.440			24.44.900		2	Em.
	45	42.17.450		8	24.44.070	39	1	36.40.040
	46	Sev.		9	24.44.080		2	Em.
		42.17.910		10	24.44.090	40	1	51.52.110
	47	Construction		11	Leg. dir.		2	Em.
		42.17.920	18	1	2.52.010	41	1	73.32.130
	48	42.17.930	19	1	28A.57.357		2	Em.
	49	Eff. date	20	1	43.43.745	42	1	82.38.080
		42.17.900		2	72.66.010		2	Em.
	50	42.17.940		3	72.66.012	43	1	43.10.010
2	1	84.52.050		4	72.66.014		2	43.10.115
3	1	84.52.052		5	72.66.016		3	43.10.120
	2	Em.		6	72.66.018		4	43.10.125
4	1	29.13.010		7	72.66.022		5	43.10.130
	2	29.13.047		8	72.66.024		6	Sev.
	3	29.13.075		9	72.66.026			n43.10.010
	4	29.39.030		10	72.66.028	44	1	4.92.010
	5	29.42.030		11	72.66.032	45	1	28A.24.055
	6	29.42.040		12	72.66.034		2	28A.24.110
	7	29.42.050		13	72.66.036		3	28A.24.120
	8	29.80.010		14	72.66.038	46	1	28A.31.050
	9	29.81.100		15	72.66.042		2	28A.41.130
	10	Em.		16	72.66.044		3	Eff. date
5	1	46.20.391		17	Savings		4	Repealer
	2	Em.			n72.66.010		5	Sev.
6	1	50.16.030		18	Leg. dir.			n28A.31.050

PARALLEL TABLES: 1973 REGULAR SESSION LAWS—RCW

Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.
	6	Em.		6	28B.16.230		3	50.04.355
47	1	28A.57.230		7	28B.20.100		4	50.16.010
	2	28A.57.240		8	28B.20.412		5	Vetoed
	3	28A.57.250		9	28B.20.456		6	50.20.010
	4	28A.57.255		10	28B.30.100		7	50.22.010
	5	28A.57.260		11	28B.40.100		8	50.32.040
	6	Sev.		12	28B.50.030		9	50.44.040
	n	28A.57.230		13	28B.50.050		10	50.44.050
48	1	18.53.165		14	28B.50.060		11	50.44.070
	2	18.53.170		15	28B.50.070		12	Repealer
	3	18.53.175		16	28B.50.090		13	Eff. date
	4	18.53.180		17	28B.50.100		n	50.04.030
	5	18.53.185		18	28B.50.130	74	1	87.28.010
	6	18.53.190		19	28B.50.140		2	87.28.020
	7	Sev.		20	28B.50.170		3	87.28.030
		18.53.901		21	28B.50.200		4	Em.
49	1	28A.58.450		22	28B.50.551	75	1	86.16.085
	2	28A.67.070		23	28B.50.570		2	86.16.160
	3	28A.58.515		24	28B.50.864		3	86.16.170
	4	Em.		25	Repealer	76	1	35.23.170
50	1	58.09.010		26	Savings	77	1	18.22.010
	2	58.09.020		n	28B.10.200		2	18.22.020
	3	58.09.030		27	Em.		3	18.22.030
	4	58.09.040		28	Sev.		4	18.22.040
	5	58.09.050		n	28B.10.200		5	18.22.050
	6	58.09.060	63	1	28A.09.200		6	18.22.060
	7	58.09.070		2	28B.10.265		7	18.22.070
	8	58.09.080		3	Eff. date		8	18.22.081
	9	58.09.090		n	28A.09.200		9	18.22.110
	10	58.09.100	64	1	43.37.010		10	18.22.120
	11	58.09.110		2	43.37.030		11	18.22.130
	12	58.09.120		3	43.37.040		12	18.22.140
	13	58.09.130		4	43.37.050		13	18.22.150
	14	58.09.140		5	43.37.060		14	18.22.160
	15	Sev.		6	43.37.080		15	18.22.185
		58.09.900		7	43.37.090		16	18.22.200
	16	Leg. dir.		8	43.37.100		17	18.22.210
51	1	28A.27.010		9	43.37.110		18	18.22.215
	2	28A.04.135		10	43.37.120		19	18.22.230
	3	49.12.123		11	43.37.140		20	18.57A.060
	4	Repealer		12	43.37.150		21	18.71A.060
	5	Sev.		13	43.37.160		22	43.74.010
	n	28A.27.010		14	43.37.170		23	43.74.037
52	1	28A.58.115		15	43.37.180		24	43.74.040
53	1	67.08.015		16	43.37.190		25	43.74.080
54	1	40.10.010		17	43.37.900		26	43.74.085
	2	40.10.020		18	Eff. date		27	70.98.170
	3	40.14.040			43.37.910		28	18.22.930
	4	40.14.060		19	Repealer	78	1	29.13.080
	5	40.14.070	65	1	36.68.610		2	Em.
	6	Sev.		2	36.68.620	79	1	48.36.230
	n	40.10.010	66	1	42.30.070		2	Repealer
55	1	Repealer		2	42.30.110	80	1	49.17.010
	2	Construction		3	42.30.120		2	49.17.020
	n	36.95.170		4	42.30.140		3	49.17.030
56	1	29.39.010	67	1	35A.33.060		4	49.17.040
57	1	Repealer		2	35.33.061		5	49.17.050
58	1	Repealer	68	1	72.05.152		6	49.17.060
59	1	41.56.110		2	72.05.154		7	49.17.070
	2	41.56.122		3	Eff. date		8	49.17.080
	3	41.56.125		n	72.05.152		9	49.17.090
60	1	47.17.217	69	1	84.40.020		10	49.17.100
61	1	74.13.106	70	1	24.06.290		11	49.17.110
	2	74.13.142		2	24.06.450		12	49.17.120
62	1	28B.10.200		3	24.06.455		13	49.17.130
	2	28B.10.250	71	1	23A.08.480		14	49.17.140
	3	28B.10.510	72	1	28A.66.050		15	49.17.150
	4	28B.10.822	73	1	50.04.030		16	49.17.160
	5	28B.10.824		2	50.04.180		17	49.17.170

PARALLEL TABLES: 1973 REGULAR SESSION LAWS--RCW

Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.
	18	49.17.180		2	Em.	110	1	51.12.130
	19	49.17.190	100	1-13	Nonoperative		2	51.16.140
	20	49.17.200	101	1	72.36.040		3	51.32.073
	21	49.17.210	102	1	29.33.220		4	Approp.
	22	49.17.220		2	29.45.050	111	1	28A.60.328
	23	49.17.230		3	29.45.060		2	28A.66.010
	24	49.17.240		4	29.54.045		3	28A.66.040
	25	49.17.250		5	29.45.065		4	36.22.090
	26	49.17.260	103	1	46.01.140		5	28A.58.730
	27	49.17.270		2	46.01.130		6	Sev.
	28	Repealer		3	46.68.030		n28A.60.328	
	29	49.17.900		4	n46.68.030	112	1	84.36.260
	30	Sev.		5	82.50.902		2	84.36.262
		49.17.910		6	46.16.104		3	84.36.264
	31	Leg. dir.		7	46.16.106	113	1	24.06.045
81	1	28A.04.137		8	Repealer	114	1	2.06.150
	2	28A.58.700		9	Sev.		2	2.06.160
	3	28A.58.701		n46.01.130		115	1	46.85.120
	4	28A.58.703	104	1	43.88.160		2	81.04.405
	5	28A.58.704		2	43.19.1925		3	81.48.030
	6	28A.58.706	105	1	28B.50.092		4	81.53.281
	7	28A.58.707		2	28B.50.093		5	81.68.050
	8	Leg. dir.		3	28B.50.094		6	81.70.060
	9	Sev.		4	Em.		7	81.70.095
		n28A.58.700	106	1	2.04.031		8	81.70.100
82	1	29.64.080		2	2.04.090		9	81.77.050
	2	29.64.090		3	2.06.060		10	81.80.090
83	1	35.68.075		4	2.12.010		11	81.80.150
84	1	4.84.250		5	2.12.020		12	81.80.270
	2	4.84.260		6	2.12.060		13	81.80.272
	3	4.84.270		7	8.04.090		14	81.84.040
	4	4.84.280		8	8.04.160		15	81.04.510
	5	4.84.290		9	10.85.025		16	Repealer
	6	4.84.300		10	15.65.490	116	1	47.28.030
	7	4.84.310		11	17.12.080		2	47.28.050
	8	Leg. dir.		12	27.08.010	117	1	15.76.165
85	1	29.42.030		13	28A.04.110		2	Em.
86	1	52.12.010		14	38.24.010	118	1	72.41.010
87	1	53.08.080		15	41.04.020		2	Par. vetoed
	2	53.08.085		16	41.04.036			72.41.020
88	1	46.61.427		17	44.04.040		3	72.41.030
89	1	23A.32.060		18	44.04.050		4	72.41.040
90	1	24.03.400		19	44.04.060		5	72.41.050
91	1	46.64.040		20	44.04.090		6	72.41.060
92	1	Eff. date		21	47.01.160		7	72.41.070
		n70.96A.010		22	47.08.080		8	72.41.080
	2	n70.96A.010		23	47.08.090		9	Vetoed
93	1	75.08.090		24	47.08.100		10	Leg. dir.
94	1	n90.44.035		25	47.56.050	119	1	69.40.030
	2	90.44.035		26	47.56.180	120	1	39.12.050
95	1	40.20.020		27	47.58.040	121	1	65.12.235
	2	43.84.110		28	47.60.060		2	65.12.790
	3	47.24.010		29	51.40.040	122	1	n29.79.015
	4	75.08.240		30	51.44.110		2	29.79.015
	5	82.36.410		31	70.40.150		3	Em.
	6	82.37.190		32	72.08.170	123	1	43.86.010
	7	Vetoed		33	74.08.370		2	43.86.020
	8	84.08.050		34	75.08.250		3	43.86.030
	9	84.12.240		35	77.12.390		4	43.86.040
	10	84.16.032		36	78.48.080		5	43.86.050
	11	84.48.110		37	79.24.030		6	Em.
	12	Repealer		38	86.26.110		7	Leg. dir.
96	1	82.36.060		39	90.16.090	124	1	51.12.020
	2	82.36.070		40	Repealer	125	1	28A.58.423
	3	82.36.270	107	1	28A.58.720		2	35.21.205
	4	82.36.306		2	28A.58.136		3	52.08.090
	1	36.40.100		3	28A.58.722		4	53.08.205
97	1	62A.8-102	108	1	19.24.100		5	54.16.095
98	1	30.04.240	109	1	39.33.010		6	56.08.105

Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.
	7	57.08.105		10	41.56.905		3	9.96A.030
	8	87.03.162		11	Sev.		4	9.96A.040
126	1	35.38.010			41.56.910		5	9.96A.050
	2	35.38.030	132	1	Leg. dir.		6	Leg. dir.
	3	35.38.040		2	70.95A.010		7	Eff. date
	4	35A.40.030		3	70.95A.020			9.96A.900
	5	36.48.010		4	70.95A.030	136	1	Leg. dir.
	6	36.48.020		5	70.95A.040		2	76.42.010
	7	36.48.080		6	70.95A.050		3	76.42.020
	8	36.48.090		7	70.95A.060		4	76.42.030
	9	39.58.010		8	70.95A.070		5	76.42.040
	10	39.58.020		9	70.95A.080		6	76.42.050
	11	39.58.050		10	70.95A.090		7	76.42.060
	12	39.58.060		11	70.95A.100		8	76.42.070
	13	39.58.070		12	70.95A.910	137	1	42.18.130
	14	41.48.060		13	Sev.		2	42.18.290
	15	43.85.010			70.95A.920		3	42.18.300
	16	43.85.030		14	70.95A.930		4	Repealer
	17	35.38.041		15	Repealer	138	1	28A.58.247
	18	Repealer		16	Em.	139	1	70.95B.010
	19	Em.	133	1	18.88.010		2	70.95B.020
127	1	Approp.		2	18.88.020		3	70.95B.030
	2	Em.		3	18.88.030		4	70.95B.040
128	1	12.40.010		4	18.88.050		5	70.95B.050
	2	12.40.110		5	Par. vetoed		6	70.95B.060
129	1	28B.50.095			18.88.060		7	70.95B.070
130	1	33.24.350		6	18.88.070		8	70.95B.080
	2	33.24.360		7	18.88.080		9	70.95B.090
	3	33.24.370		8	18.88.090		10	70.95B.100
	4	33.24.380		9	18.88.100		11	70.95B.110
	5	33.48.180		10	18.88.110		12	70.95B.120
	6	33.48.150		11	18.88.120		13	70.95B.130
	7	33.48.160		12	18.88.130		14	70.95B.140
	8	33.48.170		13	18.88.140		15	70.95B.150
	9	33.48.190		14	18.88.150		16	Leg. dir.
	10	33.48.200		15	18.88.160		17	Eff. date
	11	33.48.210		16	18.88.170			70.95B.900
	12	33.48.220		17	18.88.180	140	1	29.36.060
	13	33.48.230		18	18.88.190		2	29.36.065
	14	33.48.240		19	18.88.200	141	1	49.60.010
	15	33.48.250		20	18.88.220		2	49.60.020
	16	33.48.260		21	18.88.230		3	49.60.030
	17	33.48.270		22	18.88.240		4	49.60.040
	18	33.48.280		23	18.88.250		5	49.60.176
	19	33.48.290		24	18.88.260		6	49.60.178
	20	33.04.025		25	18.88.265		7	49.60.120
	21	33.16.040		26	18.88.270		8	49.60.130
	22	33.04.020		27	18.88.280		9	49.60.175
	23	33.16.120		28	18.88.285		10	49.60.180
	24	33.24.230		29	18.88.300		11	49.60.190
	25	33.16.110		30	Repealer		12	49.60.200
	26	33.24.120		31	Sev.		13	49.60.222
	27	33.24.295			n18.88.010		14	49.60.225
	28	33.24.005	134	1	26.24.190	142	1	20.01.130
	29	33.40.050		2	26.32.030		2	20.01.570
	30	33.24.270		3	26.32.040		3	16.65.235
	31	33.24.280		4	26.32.050	143	1	41.20.030
	32	Sev.		5	26.32.080		2	41.20.170
	32	n33.24.350		6	26.32.085	144	1	43.79.260
	33	Em.		7	26.37.010		2	43.79.270
131	1	41.56.430		8	26.37.015		3	43.79.280
	2	41.56.030		9	26.28.110		4	43.79.282
	3	41.56.440		10	26.32.300		5	Repealer
	4	41.56.450		11	26.32.310	145	1	49.44.120
	5	41.56.460		12	Em.	146	1	24.06.445
	6	41.56.470		13	Sev.	147	1	51.32.060
	7	41.56.480			n26.24.190		2	51.32.070
	8	41.56.490	135	1	9.96A.010		3	Em.
	9	41.56.420		2	9.96A.020	148	1	Leg. dir.

Chap.	Sec.	Rev.Code of Wash.
	2	11.86.010
	3	11.86.020
	4	11.86.030
	5	11.86.040
	6	11.86.050
	7	11.86.060
	8	11.86.070
	9	11.86.080
	10	11.86.090
149	1	84.36.301
	2	84.36.300
150	1	87.03.820
	2	58.17.310
151	1	48.12.180
	2	48.13.010
	3	48.13.160
	4	48.13.220
	5	48.13.290
152	1	74.04.060
	2	74.04.062
	3	Sev. n74.04.060
153	1	Vetoed
	2	29.07.092
	3	Vetoed
154	1	Par. vetoed 41.06.150
	2	Par. vetoed 28B.16.100
155	1	90.48.010
	2	90.48.120
	3	90.48.160
	4	90.48.260
	5	90.48.262
	6	Vetoed
	7	Temporary
	8	90.48.140
	9	90.48.144
	10	Repealer
	11	Em.

Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.
1	1	46.44.130		17	31.12.460		21	19.09.210
	2	46.44.140		18	31.12.470		22	19.09.220
	3	46.44.0941		19	Sev.		23	19.09.230
2	1	70.89.005			31.12.900		24	19.09.240
	2	70.89.010	9	1	28A.58.420		25	19.09.250
	3	70.89.021		2	28B.10.660		26	19.09.260
	4	70.89.031	10	1	3.62.050		27	19.09.270
	5	70.89.050		2	3.62.070		28	19.09.280
	6	70.89.060		3	Em.		29	19.09.290
	7	70.89.070	11	1	36.21.011		30	19.09.300
	8	70.89.040	12	1	58.19.010		31	19.09.310
	9	Repealer		2	58.19.020		32	19.09.320
	10	70.89.910		3	58.19.030		33	19.09.330
3	1	28A.41.180		4	58.19.040		34	19.09.340
	2	Em.		5	58.19.050		35	19.09.350
4	1	18.71.095		6	58.19.060		36	19.09.360
	2	18.71.096		7	58.19.070		37	19.09.900
5	1	Leg. dir.		8	58.19.080		38	Sev.
	2	70.39.010		9	58.19.090			19.09.910
	3	70.39.020		10	58.19.100		39	Leg. dir.
	4	70.39.030		11	58.19.110	14	1	3.34.010
	5	70.39.040		12	58.19.120		2	3.34.020
	6	70.39.050		13	58.19.130		3	3.34.065
	7	70.39.060		14	58.19.140	15	1	43.79A.010
	8	70.39.070		15	58.19.150		2	43.79A.020
	9	70.39.080		16	58.19.160		3	43.79A.030
	10	70.39.090		17	58.19.170		4	43.79A.040
	11	70.39.100		18	58.19.180		5	Em.
	12	70.39.110		19	58.19.190		6	Leg. dir.
	13	70.39.120		20	58.19.200	16	1	41.20.010
	14	70.39.130		21	58.19.210		2	41.20.020
	15	70.39.140		22	58.19.220	17	1	46.04.552
	16	70.39.150		23	58.19.230		2	46.16.010
	17	70.39.160		24	58.19.240	18	1	18.64.001
	18	70.39.170		25	58.19.250		2	18.64.005
	19	70.39.180		26	58.19.260	19	1	41.16.020
	20	70.39.190		27	58.19.270	20	1	19.16.120
	21	70.39.200		28	58.19.280		2	19.16.160
	22	Sev.		29	58.19.290		3	19.16.230
		70.39.900		30	58.19.300		4	19.16.360
	23	Construction		31	58.19.900		5	19.16.400
		70.39.910		32	58.19.910		6	19.16.430
6	1	53.08.170		33	58.19.920		7	19.16.440
7	1	54.44.010		34	Eff. date		8	19.16.351
	2	54.44.020			58.19.930		9	19.16.245
	3	54.44.030		35	58.19.940		10	Repealer
	4	54.44.040		36	Sev.	21	1	29.07.060
	5	54.44.050			58.19.950		2	29.07.065
	6	54.44.060		37	Leg. dir.		3	29.07.070
	7	Em.	13	1	19.09.010		4	29.07.080
		n54.44.010		2	19.09.020		5	29.07.090
	8	Sev.		3	19.09.030		6	29.07.095
		54.44.901		4	19.09.040		7	29.07.140
8	1	31.12.020		5	19.09.050	22	1	43.22.450
	2	31.12.160		6	19.09.060		2	43.22.455
	3	31.12.180		7	19.09.070		3	43.22.465
	4	31.12.205		8	19.09.080		4	43.22.475
	5	31.12.190		9	19.09.090		5	43.22.480
	6	31.12.210		10	19.09.100		6	43.22.485
	7	31.12.220		11	19.09.110	23	1	18.04.290
	8	31.12.240		12	19.09.120		2	18.04.300
	9	31.12.245		13	19.09.130	24	1	76.04.251
	10	31.12.260		14	19.09.140		2	76.04.270
	11	31.12.270		15	19.09.150		3	76.04.385
	12	31.12.280		16	19.09.160		4	76.04.515
	13	31.12.290		17	19.09.170		5	Repealer
	14	31.12.320		18	19.09.180	25	1	39.53.010
	15	31.12.440		19	19.09.190		2	39.53.030
	16	31.12.450		20	19.09.200		3	39.53.040

PARALLEL TABLES: 1973 1ST EX. SESS. LAWS—RCW

Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.
	4	39.53.060		2	79.08.180	59	1	1.20.071
	5	39.53.070	51	1	74.08.530		2	13.07.020
	6	39.53.100		2	74.08.540		3	43.79.420
	7	39.53.140		3	74.08.550		4	43.79.421
	8	Em.		4	74.08.560		5	43.79.422
26	1	19.68.010		5	Leg. dir.		6	Repealer
27	1	2.08.061	52	1	18.71.200		7	Eff. date
	2	2.08.063		2	43.22.010		n43.79.420	
	3	2.08.065		3	43.22.040	60	1	18.85.410
28	1	36.72.050		4	43.22.050	61	1	29.36.097
	2	65.16.090		5	43.22.200	62	1	39.04.120
29	1	39.16.005		6	43.22.210		2	39.04.130
30	1	84.48.150		7	49.24.070		3	60.28.080
31	1	32.20.450		8	51.16.105		4	Sev.
	2	32.20.460		9	70.87.010		n39.04.120	
	3	32.20.470		10	70.87.030	63	1	75.32.070
	4	32.20.480		11	Repealer	64	1	52.36.020
	5	32.20.490		12	Em.		2	Eff. date
	6	32.20.280		n43.22.010			n52.36.020	
	7	32.20.330	53	1	30.42.010	65	1	48.44.020
	8	32.20.500		2	30.42.020		2	48.44.160
32	1	51.16.060		3	30.42.030		3	48.44.162
33	1	19.102.010		4	30.42.040		4	48.44.230
	2	19.102.020		5	30.42.050	66	1	19.09.370
	3	19.100.010		6	30.42.060	67	1	84.55.010
	4	19.100.180		7	30.42.070		2	Expir. date
	5	Leg. dir.		8	30.42.080		n84.55.010	
34	1	Approp.		9	30.42.090	68	1	68.46.010
	2	Approp.		10	30.42.100		2	68.46.020
	3	Em.		11	30.42.110		3	68.46.030
35	1	74.08.047		12	30.42.120		4	68.46.040
	2	74.08.048		13	30.42.130		5	68.46.050
36	1	46.20.311		14	30.42.140		6	68.46.060
	2	Vetoed		15	30.42.150		7	68.46.070
37	1	46.52.130		16	30.42.160		8	68.46.080
38	1	36.33.060		17	30.42.170		9	68.46.090
	2	36.33.065		18	30.42.180		10	68.46.100
39	1	67.16.050		19	30.42.190		11	68.46.110
40	1	89.16.020		20	30.42.200		12	68.05.130
	2	Repealer		21	30.42.210		13	68.05.140
41	1	15.44.080		22	30.42.220		14	68.05.150
42	1	18.85.120		23	30.42.230		15	68.05.160
43	1	84.56.230		24	30.42.240		16	68.05.180
44	1	63.32.010		25	30.42.250		17	68.05.255
	2	63.36.010		26	30.42.260		18	Leg. dir.
	3	63.36.020		27	30.42.270	69	1	Repealer
	4	63.40.010		28	30.42.280	70	1	29.34.160
45	1	84.56.300		29	30.42.290	71	1	18.51.180
46	1	28B.15.041		30	30.42.300		2	18.51.185
	2	28B.15.600		31	30.42.310	72	1	43.120.920
	3	28B.16.180		32	30.42.320		2	Em.
	4	28B.19.040		33	30.42.330	73	1	Approp.
	5	28B.19.110		34	30.42.340		2	Em.
	6	28B.19.120		35	30.40.020	74	1	84.40.340
	7	28B.50.040		36	30.04.290	75	1	41.06.150
	8	28B.50.060		37	Leg. dir.		2	28B.16.100
	9	28B.10.704		38	Sev.		3	Eff. date
	10	Repealer		30.42.900		n41.06.150		
	11	Sev.	54	1	30.44.270	76	1	11.08.111
	n28B.10.704			2	30.44.280	77	1	81.53.271
47	1	60.04.200		3	32.24.090	78	1	28A.41.170
	2	60.04.210		4	32.24.100		2	Em.
	3	60.04.220	55	1	53.08.160	79	1	19.105.200
	4	Sev.	56	1	57.42.010	80	1	43.43.020
	n60.04.200			2	57.42.020	81	1	35A.11.080
48	1	74.09.160		3	57.42.030		2	35A.11.090
49	1	74.04.300		4	Leg. dir.		3	35A.11.100
	2	74.04.006	57	1	18.85.010	82	1	43.01.090
50	1	76.12.050	58	1	77.32.230		2	Eff. date

Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.
		n43.01.090		11	43.33.090		2	Approp.
83	1	46.65.060		12	43.84.150		3	Approp.
84	1	Repealer		13	43.84.160		4	Approp.
85	1	43.07.130		14	43.84.170		5	Approp.
	2	43.07.140		15	41.32.207		6	Approp.
	3	Em.		16	41.40.072		7	Approp.
86	1	36.27.060		17	Repealer		8	Approp.
	2	Eff. date		18	Leg. dir.		9	Approp.
		n36.27.060		19	Leg. dir.		10	Approp.
87	1	35.24.090		20	Sev.		11	Approp.
	2	35.27.130			n2.10.080		12	Approp.
88	1	36.16.032		21	Em.		13	Approp.
	2	36.17.020	104	1	30.04.120		14	Approp.
89	1	30.24.120		2	30.04.210		15	Approp.
	2	30.24.130		3	30.08.010		16	Approp.
	3	48.18.030		4	30.08.020		17	Approp.
90	1	31.24.050		5	30.08.030		18	Approp.
	2	31.24.190		6	30.08.040		19	Approp.
91	1	19.60.060		7	30.08.060		20	Approp.
92	1	30.04.230		8	30.08.095		21	Approp.
93	1	33.12.180		9	30.04.380		22	Approp.
94	1	9.45.250		10	30.04.390		23	Approp.
95	1	35.94.040	105	1	28A.01.130		24	Approp.
96	1	66.44.316	106	1	18.35.010		25	Approp.
	2	Em.		2	18.35.020		26	Approp.
97	1	36.90.010		3	18.35.030		27	Approp.
	2	36.90.020		4	18.35.040		28	Approp.
	3	36.90.030		5	18.35.050		29	Approp.
	4	36.90.040		6	18.35.060		30	Approp.
	5	36.90.050		7	18.35.070		31	Approp.
	6	36.90.070		8	18.35.080		32	Approp.
	7	Repealer		9	18.35.090		33	Approp.
	8	Sev.		10	18.35.100		34	Approp.
		n36.90.010		11	18.35.110		35	Approp.
98	1	84.36.370		12	18.35.120		36	Approp.
	2	Eff. date		13	18.35.130		37	Approp.
		n84.36.370		14	18.35.140		38	Approp.
99	1	41.04.250		15	18.35.150		39	Em.
	2	Em.		16	18.35.160	115	1	28A.72.100
100	1	43.88.010		17	18.35.170	116	1	43.96B.200
	2	43.88.020		18	18.35.180		2	43.96B.205
	3	43.88.030		19	18.35.190		3	43.96B.210
	4	43.88.060		20	18.35.200		4	43.96B.215
	5	43.88.080		21	Sev.		5	43.96B.220
	6	43.88.090			18.35.900		6	43.96B.225
	7	43.88.120		22	Leg. dir.		7	43.96B.230
	8	43.88.180	107	1	48.17.330		8	43.96B.235
	9	43.88.035		2	48.17.540		9	Approp.
	10	Sev.		3	48.31.010			43.96B.240
		43.88.901		4	Repealer		10	Sev.
101	1	13.04.053		5	Sev.			43.96B.245
	2	74.13.031			n48.17.330		12	Em.
102	1	74.04.530	108	1	18.51.010	117	1	10.77.010
	2	74.04.540	109	1	Special		2	10.77.020
	3	74.04.550		2	Special		3	10.77.030
	4	74.04.560	110	1	18.71.030		4	10.77.040
	5	74.04.570		2	18.71.230		5	10.77.050
	6	74.04.580	111	1	29.04.095		6	10.77.060
	7	Leg. dir.		2	29.04.100		7	10.77.070
103	1	2.10.080		3	29.04.110		8	10.77.080
	2	41.26.070		4	29.04.120		9	10.77.090
	3	41.32.201	112	1	69.04.900		10	10.77.100
	4	41.32.202		2	69.04.905		11	10.77.110
	5	43.84.031		3	69.04.910		12	10.77.120
	6	51.44.100		4	69.04.915		13	10.77.130
	7	43.33.050		5	69.04.920		14	10.77.140
	8	43.33.060	113	1	90.14.051		15	10.77.150
	9	43.33.070		2	Em.		16	10.77.160
	10	43.33.080	114	1	Approp.		17	10.77.170

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Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.
	18	10.77.180		18	Repealer		3	46.70.021
	19	10.77.190		19	Leg. dir.		4	46.70.031
	20	10.77.200		20	7.68.910		5	46.70.041
	21	10.77.210		21	n7.68.900		6	46.70.051
	22	10.77.220	123	1	9.95A.010		7	46.70.061
	23	10.77.230		2	9.95A.020		8	46.70.070
	24	10.77.240		3	9.95A.030		9	46.70.075
	25	10.77.250		4	9.95A.040		10	46.70.081
	26	10.77.900		5	9.95A.050		11	46.70.082
	27	Sev. 10.77.910		6	9.95A.060		12	46.70.083
	28	Leg. dir. 10.77.920		7	9.95A.070		13	46.70.090
	29	Repealer		8	9.95A.080		14	46.70.101
	30	Eff. date 10.77.930		9	9.95A.090		15	46.70.120
118	1	29.27.060	124	1	46.68.100		16	46.70.130
	2	29.79.040		2	82.36.020		17	46.70.140
	3	29.79.050		3	82.37.190		18	46.70.180
	4	29.79.080	125	1	16.52.020		19	46.70.190
119	1	2.10.150	126	1	47.26.260		20	46.70.900
120	1	28B.17.010		2	47.26.190		21	Sev.
	2	28B.17.020		3	47.26.450			46.70.920
	3	28B.17.030		4	47.26.042		22	46.16.020
	4	28B.17.040		5	47.26.043		23	46.16.045
	5	28B.17.050		6	Leg. dir.	133	24	Sev.
	6	28B.17.060	127	1	83.16.025	134		46.16.900
	7	28B.17.070	128	1	46.10.040		25	Repealer
	8	28B.17.080		2	46.10.070		1	41.06.070
	9	28B.17.090		3	46.10.080		1	Approp.
	10	28B.17.100		4	46.10.150		2	Approp.
	11	28B.17.110		5	46.10.210		3	Approp.
	12	28B.17.120		6	Temporary		4	Approp.
	13	28B.17.130		7	Em.		5	Approp.
	14	28B.17.140	129	1	43.79.415		6	Approp.
	15	28B.17.150		2	Em.		7	Approp.
	16	28B.17.160	130	1	28B.10.300		8	Approp.
	17	28B.17.170		2	28B.15.041		9	Approp.
	18	28B.17.180		3	28B.10.335		10	Approp.
	19	28B.17.190		4	Em.		11	Approp.
	20	28B.17.200	131	1	Approp.		12	Approp.
	21	Construction 28B.17.210		2	Approp.		13	Approp.
	22	Sev. n28B.17.010		3	Approp.	135	14	Approp.
	23	Approp. n28B.17.010		4	Approp.		15	Sev.
	24	Leg. dir.		5	Approp.		16	Em.
	25	Em.		6	Approp.		1	28B.10.850
121	1	29.51.170		7	Approp.		2	28B.10.851
	2	29.54.050		8	Approp.		3	28B.10.852
122	1	7.68.010		9	Approp.		4	28B.10.853
	2	7.68.020		10	Approp.		5	28B.10.854
	3	7.68.030		11	Approp.		6	28B.10.855
	4	7.68.040		12	Approp.		7	Sev.
	5	7.68.050		13	Approp.			n28B.10.850
	6	7.68.060		14	Approp.	136	8	Em.
	7	7.68.070		15	Approp.		1	35.58.273
	8	7.68.080		16	Approp.		2	35.58.279
	9	7.68.090		17	Approp.		3	35.58.2791
	10	7.68.100		18	Approp.		4	35.58.2792
	11	7.68.110		19	Approp.		5	82.44.150
	12	7.68.120		20	Approp.		6	35.58.2793
	13	7.68.130		21	Approp.		7	35.58.2731
	14	7.68.140		22	Approp.		8	Repealer
	15	7.68.150		23	Approp.		9	Eff. dates
	16	7.68.160		24	Approp.			n35.58.273
	17	Eff. date 7.68.900	132	25	Approp.	137	10	Sev.
				26	Sev.			n35.58.273
				27	Em.		11	Approp.
				1	46.70.005		1	Approp.
				2	46.70.011		2	Approp.
							3	Approp.
							4	Approp.
							5	Approp.

Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.
	6	Approp.		72	Approp.			4.22.900
	7	Approp.		73	Approp.		4	Sev.
	8	Approp.		74	Par. vetoed			4.22.910
	9	Approp.			Approp.		5	Leg. dir.
	10	Approp.		75	Approp.	139	1	Approp.
	11	Approp.		76	Approp.		2	Par. vetoed
	12	Approp.		77	Approp.			Approp.
	13	Approp.		78	Approp.		3	Approp.
	14	Par. vetoed		79	Approp.		4	Approp.
		Approp.		80	Approp.		5	Approp.
	15	Approp.		81	Approp.		6	Approp.
	16	Approp.		82	Approp.		7	Approp.
	17	Approp.		83	Approp.		8	Approp.
	18	Approp.		84	Approp.		9	Approp.
	19	Approp.		85	Approp.		10	Approp.
	20	Approp.		86	Par. vetoed		11	Approp.
	21	Approp.			Approp.		12	Approp.
	22	Approp.		87	Approp.		13	Approp.
	23	Approp.		88	Approp.		14	Approp.
	24	Approp.		89	Approp.		15	Approp.
	25	Approp.		90	Approp.		16	Approp.
	26	Approp.		91	Approp.		17	Approp.
	27	Approp.		92	Approp.		18	Sev.
	28	Approp.		93	Approp.		19	Em.
	29	Approp.		94	Approp.	140	1	36.29.020
	30	Approp.		95	Approp.		2	56.16.160
	31	Approp.		96	Approp.		3	57.20.160
	32	Approp.		97	Approp.	141	1-60	Nonoperative
	33	Approp.		98	Approp.	142	1	71.12.560
	34	Approp.		99	Approp.		2	71.12.570
	35	Par. vetoed		100	Approp.		3	72.23.010
		Approp.		101	Approp.		4	72.23.070
	36	Approp.		102	Approp.		5	72.23.100
	37	Approp.		103	Approp.		6	71.05.010
	38	Par. vetoed		104	Approp.		7	71.05.020
		Approp.		105	Approp.		8	71.05.030
	39	Approp.		106	Approp.		9	71.05.040
	40	Approp.		107	Approp.		10	71.05.050
	41	Approp.		108	Approp.		11	71.05.060
	42	Approp.		109	Approp.		12	71.05.070
	43	Vetoed		110	Approp.		13	71.05.080
	44	Approp.			n43.03.010		14	71.05.090
	45	Approp.		111	Approp.		15	71.05.100
	46	Approp.		112	Approp.		16	71.05.110
	47	Approp.		113	Approp.		17	71.05.120
	48	Approp.		114	Approp.		18	71.05.130
	49	Approp.		115	Approp.		19	71.05.140
	50	Approp.		116	Vetoed		20	71.05.150
	51	Approp.		117	Approp.		21	71.05.160
	52	Approp.		118	Approp.		22	71.05.170
	53	Approp.		119	Approp.		23	71.05.180
	54	Approp.		120	Approp.		24	71.05.190
	55	Approp.		121	Approp.		25	71.05.200
	56	Approp.		122	Approp.		26	71.05.210
	57	Approp.		123	Approp.		27	71.05.220
	58	Approp.		124	Approp.		28	71.05.230
	59	Approp.		125	Approp.		29	71.05.240
	60	Approp.		126	Approp.		30	71.05.250
	61	Approp.		127	Approp.		31	71.05.260
	62	Approp.		128	Approp.		32	71.05.270
	63	Approp.		129	Approp.		33	71.05.280
	64	Approp.		130	Approp.		34	71.05.290
	65	Approp.		131	Approp.		35	71.05.300
	66	Approp.		132	Approp.		36	71.05.310
	67	Approp.		133	Sev.		37	71.05.320
	68	Approp.		134	Em.		38	71.05.330
	69	Approp.	138	1	4.22.010		39	71.05.340
	70	Approp.		2	4.22.020		40	71.05.350
	71	Approp.		3	Eff. date		41	71.05.360

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Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.
	42	71.05.370		10	18.15.200		2	18.27.020
	43	71.05.380		11	18.15.210		3	18.27.030
	44	71.05.390		12	18.15.220		4	18.27.040
	45	71.05.400		13	18.15.230		5	18.27.070
	46	71.05.410		14	18.15.240		6	18.27.090
	47	71.05.420		15	18.15.250		7	18.27.120
	48	71.05.430		16	18.18.010		8	42.22.010
	49	71.05.440		17	18.18.020	154	1	2.12.030
	50	71.05.450		18	18.18.030		2	4.20.020
	51	71.05.460		19	18.18.040		3	4.20.060
	52	71.05.470		20	18.18.300		4	4.24.010
	53	71.05.480		21	18.18.050		5	4.24.020
	54	71.05.490		22	18.18.065		6	6.12.020
	55	71.05.500		23	18.18.090		7	6.12.030
	56	71.05.510		24	18.18.100		8	6.12.040
	57	71.05.520		25	18.18.110		9	6.12.060
	58	71.05.530		26	18.18.190		10	6.12.260
	59	71.05.540		27	18.18.140		11	6.12.290
	60	71.05.550		28	18.18.220		12	6.16.010
	61	71.05.560		29	18.18.260		13	6.16.020
	62	71.05.570		30	18.18.270		14	6.16.070
	63	Sev. 71.05.900	149	1	28B.10.400		15	6.16.090
				2	28B.10.405		16	7.12.020
	64	Leg. dir. 71.05.910		3	28B.10.410		17	7.36.020
				4	28B.10.415		18	7.48.240
	65	71.05.920		5	28B.10.420		19	10.16.150
	66	Repealer		6	83.20.030		20	15.24.086
	67	Eff. date 71.05.930		7	Repealer		21	18.18.010
				8	28B.10.423		22	19.72.030
143	1	29.81.010		9	Sev. n28B.10.400		23	23A.08.310
	2	29.81.020					24	25.04.070
	3	29.81.030		10	Approp. n28B.10.400		25	25.04.250
	4	29.81.040					26	26.04.010
	5	29.81.050		11	Eff. date n28B.10.400		27	26.04.030
	6	29.81.042					28	26.04.040
	7	29.81.043	150	1	46.44.040		29	26.04.210
	8	29.81.052		2	46.44.047		30	Vetoed
	9	29.81.053		3	46.44.095		31	Vetoed
144	1	35.80.030		4	46.16.115		32	Vetoed
145	1	82.04.050		5	Temporary		33	Vetoed
	2	Eff. date n82.04.050	151	1	47.17.065		34	26.20.030
				2	47.17.155		35	26.20.050
146	1	83.56.050		3	47.17.195		36	26.20.080
147	1	41.05.020		4	47.17.235		37	Vetoed
	2	41.05.030		5	47.17.281		38	26.28.020
	3	41.05.050		6	47.17.382		39	26.28.060
	4	28B.10.660		7	47.17.502		40	Vetoed
	5	41.04.230		8	47.17.610		41	Vetoed
	6	41.04.180		9	47.17.823		42	Vetoed
	7	41.05.080		10	47.39.020		43	Vetoed
	8	Repealer		11	47.04.080		44	26.37.020
	9	Sev. n41.05.010		12	47.04.100		45	28A.34.050
				13	47.17.080		46	28A.60.210
	10	n41.05.010		14	47.17.130		47	28B.30.150
	11	48.24.010		15	47.17.735		48	30.08.150
	12	41.05.010		16	47.17.770		49	30.20.030
	13	Savings n41.05.010		17	47.17.081		50	33.20.050
				18	47.17.417		51	35.24.370
	14	Approp. n41.05.010		19	47.17.419		52	35.27.500
				20	Repealer		53	35.66.050
148	1	18.15.010	152	1	48.05.140		54	36.28.100
	2	18.15.050		2	48.17.530		55	38.04.030
	3	18.15.045		3	48.18.292		56	38.20.010
	4	18.15.060		4	48.20.052		57	38.44.010
	5	18.15.065		5	48.24.060		58	38.52.030
	6	18.15.090		6	48.30.010		59	38.52.300
	7	18.15.097		7	Sev. n48.05.140		60	41.08.040
	8	18.15.100					61	41.16.010
	9	18.15.110	153	1	18.27.010		62	41.16.100

Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.
	63	41.16.120	155	1	70.96A.070		4	58.22.040
	64	41.16.140		2	70.96.160		5	58.22.050
	65	41.16.150		3	70.96.096		6	Leg. dir.
	66	41.16.160		4	Vetoed	160	1	82.36.020
	67	41.16.170		5	71.24.030	161	1	18.27.090
	68	41.16.230	156	1	82.38.030		2	18.27.140
	69	41.18.010		2	82.38.040	162	1	48.12.030
	70	41.18.040		3	82.38.100		2	48.12.040
	71	41.18.045		4	82.38.110		3	48.12.060
	72	41.18.080		5	82.38.120		4	48.12.150
	73	41.18.100		6	82.38.150		5	48.23.350
	74	41.24.160		7	82.38.170		6	48.23.360
	75	41.24.180		8	82.38.190	163	1	18.44.230
	76	41.32.520	157	1	26.09.010		2	48.18.020
	77	41.33.020		2	26.09.020		3	48.18.375
	78	41.44.170		3	26.09.030		4	48.18A.020
	79	41.44.210		4	26.09.040		5	48.18A.030
	80	43.22.160		5	26.09.050		6	48.18A.050
	81	43.22.170		6	26.09.060		7	48.18A.060
	82	43.22.260		7	26.09.070		8	48.24.060
	83	43.22.270		8	26.09.080		9	48.24.070
	84	43.22.280		9	26.09.090		10	48.36.440
	85	43.51.570		10	26.09.100		11	Repealer
	86	43.78.150		11	26.09.110	164	1	35.02.150
	87	46.20.100		12	26.09.120		2	35.13.015
	88	46.20.322		13	26.09.130		3	35.13.020
	89	49.24.080		14	26.09.140		4	35.13.040
	90	49.24.110		15	26.09.150		5	35.13.050
	91	51.08.020		16	26.09.160		6	35.13.060
	92	51.12.080		17	26.09.170		7	35.13.080
	93	51.24.010		18	26.09.180		8	35.13.090
	94	51.24.020		19	26.09.190		9	35.13.100
	95	51.32.040		20	26.09.200		10	35.13.110
	96	51.32.050		21	26.09.210		11	35.13.125
	97	51.32.070		22	26.09.220		12	35.13.130
	98	51.32.135		23	26.09.230		13	35.13.160
	99	54.36.010		24	26.09.240		14	35.13.171
	100	67.14.040		25	26.09.250		15	35.13.172
	101	72.33.020		26	26.09.260		16	35.13.173
	102	72.36.040		27	26.09.270		17	35.13.174
	103	72.36.050		28	26.09.280		18	35.13.175
	104	72.36.080		29	26.09.290	165	1	29.04.030
	105	72.64.040		30	Repealer	166	1	Temporary
	106	73.04.010		31	Leg. dir.		2	Temporary
	107	73.16.010	158	1	50.08.020		3	Em.
	108	73.32.020		2	50.12.020	167	1	50.04.323
	109	73.33.010		3	50.12.040		2	50.20.030
	110	73.33.020		4	50.12.180	168	1	41.40.500
	111	74.12.340		5	50.20.070		2	41.40.501
	112	74.20.220		6	50.20.100		3	41.40.502
	113	74.20.230		7	50.20.190		4	41.40.503
	114	78.40.606		8	50.24.040		5	41.40.504
	115	79.48.130		9	50.24.050		6	41.40.505
	116	80.28.080		10	50.24.130		7	41.40.506
	117	81.28.080		11	50.29.010		8	41.40.507
	118	81.94.060		12	50.29.040		9	41.40.508
	119	84.36.040		13	50.29.060		10	Approp.
	120	84.36.120		14	50.29.070		n	41.40.500
	121	Repealer		15	50.32.090		11	Em.
	122	9.79.010		16	50.32.120		12	Sev.
	123	9.79.020		17	50.32.130		n	41.40.500
	124	9.79.030		18	50.32.140	169	1	47.26.400
	125	9.79.040		19	50.24.015		2	47.26.401
	126	9.79.050		20	Repealer		3	47.26.404
	127	9.79.060		21	Eff. date		4	47.26.420
	128	9.79.070		n	50.08.020		5	47.26.421
	129	9.79.080	159	1	58.22.010		6	47.26.424
	130	Sev.		2	58.22.020		7	Em.
	n	2.12.030		3	58.22.030	170	1	41.24.030

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Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.
	2	41.24.170		5	43.126.050		19	89.08.180
	3	41.24.180		6	43.126.060		20	89.08.190
	4	41.24.200		7	43.126.070		21	89.08.200
	5	Eff. date		8	43.126.080		22	89.08.210
171	n41.24.030		179	9	Leg. dir.		23	89.08.220
	1	21.20.210		1	43.21C.070		24	89.08.341
	2	21.20.370		2	43.21C.080		25	89.08.350
	3	21.20.550		3	43.21C.090		26	89.08.360
	4	21.20.560		4	Eff. date		27	89.08.370
	5	21.20.700		n43.21C.070		28	89.08.380	
	6	21.20.705	180	1	43.43.120		29	Repealer
	7	21.20.710		2	43.43.220		30	89.08.391
	8	21.20.715		3	43.43.260		31	Sev.
	9	21.20.720		4	43.43.270			89.08.901
	10	21.20.725		5	43.43.280	185	1	90.62.010
	11	21.20.740	181	1	41.16.090		2	90.62.020
	12	21.20.745		2	41.18.200		3	90.62.030
	13	21.20.750		3	41.20.050		4	90.62.040
	14	21.20.805		4	41.20.060		5	90.62.050
	15	Sev.		5	41.20.080		6	90.62.060
		21.20.800		6	41.20.085		7	90.62.070
	16	Leg. dir.		7	Em.		8	90.62.080
172	1	36.70.320	182	1	76.04.360		9	90.62.090
	2	Em.		2	Em.		10	90.62.100
173	1	75.28.390	183	1	74.20.040		11	90.62.110
	2	75.28.400		2	74.20.101		12	90.62.120
	3	75.28.410		3	74.20.300		13	90.62.900
	4	75.28.420		4	74.20A.030		14	90.62.901
	5	75.28.430		5	74.20A.040		15	Construction
	6	Vetoed		6	74.20A.050			90.62.904
	7	Em.		7	74.20A.060		16	90.62.905
174	1	Approp.		8	74.20A.070		17	Leg. dir.
	2	Approp.		9	74.20A.080		18	Eff. date
	3	Approp.		10	74.20A.090			90.62.906
	4	Approp.		11	74.20A.100		19	Sev.
	5	Approp.		12	74.20A.130			90.62.907
	6	Sev.		13	74.20A.140		20	Temporary
	7	Em.		14	74.20A.150	186	1	69.41.010
175	1	18.106.010		15	74.20A.170		2	69.41.020
	2	18.106.020		16	74.20A.180		3	69.41.030
	3	18.106.030		17	74.20A.190		4	69.41.040
	4	18.106.040		18	74.20A.200		5	69.41.050
	5	18.106.050		19	74.20A.210		6	69.41.060
	6	18.106.060		20	74.20A.220		7	69.41.070
	7	18.106.070		21	74.20A.230		8	Leg. dir.
	8	18.106.080		22	74.20A.240		9	Repealer
	9	18.106.090		23	74.20A.250	187	1	84.40.030
	10	18.106.100		24	74.20A.260		2	82.29.010
	11	18.106.110		25	74.20A.055		3	82.29.020
	12	18.106.120		26	Em.		4	82.29.030
	13	18.106.130		27	Vetoed		5	82.29.040
	14	18.106.140	184	1	89.08.005		6	82.29.050
	15	18.106.150		2	89.08.010		7	82.29.060
	16	18.106.160		3	89.08.020		8	82.29.070
	17	Leg. dir.		4	89.08.030		9	82.29.080
176	1	70.94.430		5	89.08.040		10	82.29.090
	2	70.94.431		6	89.08.050		11	84.36.450
177	1	47.12.280		7	89.08.060		12	Leg. dir.
	2	47.12.290		8	89.08.070		13	Sev.
	3	47.56.254		9	89.08.080			n82.29.010
	4	47.56.255		10	89.08.090		14	84.36.455
	5	47.60.130		11	89.08.100		15	84.36.460
	6	47.12.310		12	89.08.110	188	1	48.18.298
	7	47.12.320		13	89.08.120		2	48.18.299
	8	Repealer		14	89.08.130		3	48.20.411
178	1	43.126.010		15	89.08.140		4	48.21.141
	2	43.126.020		16	89.08.150		5	Sev.
	3	43.126.030		17	89.08.160			n48.18.298
	4	43.126.040		18	89.08.170	189	1	41.32.260

Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.
	2	41.32.497		17	35.24.350		86	73.08.080
	3	41.32.498		18	35.30.020		87	76.04.360
	4	n41.32.498		19	35.31.060		88	84.04.140
	5	41.32.4944		20	35.32A.060		89	84.28.090
	6	41.32.350		21	35.33.145		90	84.33.050
	7	41.32.190		22	35.56.190		91	84.33.060
	8	41.32.405		23	35.58.090		92	84.33.080
	9	41.32.499		24	35.58.450		93	84.33.140
	10	41.32.4982		25	35.61.210		94	84.34.230
	11	Em.		26	35A.14.220		95	84.36.270
	12	Sev.		27	35A.31.070		96	84.40.030
		n41.32.190		28	35A.33.145		97	84.40.040
190	13	41.32.245		29	35A.40.090		98	84.40.320
	1	41.32.565		30	36.32.350		99	84.48.080
	2	41.40.010		31	36.33.140		100	84.48.085
	3	41.40.030		32	36.33.220		101	84.52.010
	4	41.40.100		33	36.40.090		102	84.52.052
	5	41.40.120		34	36.40.300		103	84.52.054
	6	41.40.150		35	36.47.040		104	84.52.056
	7	41.40.180		36	36.54.080		105	84.52.063
	8	41.40.185		37	36.62.090		106	84.52.065
	9	41.40.190		38	36.68.480		107	84.55.030
	10	41.40.193		39	36.68.520		108	84.55.040
	11	41.40.195		40	36.69.140		109	84.55.050
	12	41.40.330		41	36.82.040		110	84.56.180
	13	41.40.361		42	36.93.110		111	85.15.030
	14	41.40.170		43	41.16.060		112	85.15.060
	15	Eff. date 41.40.011		44	41.26.040		113	85.15.070
	16	Sev.		45	45.72.050		114	85.15.140
		n41.40.010		46	45.82.020		115	85.18.010
	17	Em.		47	46.68.120		116	85.18.030
191	1	28B.15.380		48	52.08.030		117	85.18.080
	2	28B.15.520		49	52.08.060		118	85.18.150
	3	28B.40.361		50	52.16.080		119	85.24.250
	4	Eff. date		51	52.16.120		120	85.32.030
		n28B.15.380		52	52.16.130		121	85.32.040
	5	28B.15.385		53	52.16.140		122	85.32.050
192	1	51.32.160		54	52.16.160		123	85.32.060
193	1	70.94.011		55	53.06.040		124	85.32.100
	2	70.94.152		56	53.36.020		125	85.32.110
	3	70.94.155		57	53.36.070		126	85.32.120
	4	70.94.205		58	53.36.100		127	85.32.210
	5	70.94.334		59	53.47.040		128	85.36.030
	6	70.94.654		60	54.16.080		129	86.12.010
	7	70.94.656		61	56.04.050		130	86.13.010
	8	70.94.770		62	56.08.110		131	86.15.160
	9	70.94.775		63	56.16.010		132	87.84.070
	10	70.94.780		64	56.16.030		133	Repealer
	11	70.94.785		65	56.16.040		134	84.52.043
	12	Repealer		66	56.16.115		135	84.52.042
194	1	84.52.050		67	57.04.050		136	28A.41.130
	2	Em.		68	57.08.110		137	28A.41.130
195	1	14.08.290		69	57.16.020		138	28A.41.130
	2	17.28.100		70	57.16.040		139	28A.41.130
	3	17.28.252		71	57.20.010		140	28B.20.394
	4	17.28.260		72	57.20.015		141	35A.40.090
	5	27.12.050		73	57.20.100		142	36.33.220
	6	27.12.070		74	58.08.040		143	36.40.300
	7	27.12.150		75	65.12.660		144	41.16.060
	8	27.16.020		76	65.12.790		145	84.34.230
	9	28A.41.130		77	68.16.230		146	84.52.010
	10	28B.20.394		78	70.12.010		147	84.52.052
	11	35.07.180		79	70.32.010		148	84.52.056
	12	35.10.240		80	70.32.090		149	84.52.061
	13	35.10.315		81	70.33.040		150	84.52.063
	14	35.13.172		82	70.35.070		151	84.55.040
	15	35.21.430		83	70.44.060		152	28A.41.210
	16	35.23.470		84	70.94.091		153	Sev.
				85	71.20.110			n84.52.043

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Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.
	154	Eff. date n84.52.043		7	18.37.070		2	18.73.020
				8	18.37.080		3	18.73.030
	155	Construction n84.52.043		9	18.37.090		4	Par. vetoed 18.73.040
196	1	36.34.005		10	18.37.100		5	18.73.050
197	1	44.28.086		11	18.37.110		6	18.73.060
	2	44.28.087		12	18.37.120		7	18.73.070
	3	Leg. dir.		13	18.37.130		8	18.73.080
	4	n44.04.120		14	18.37.140		9	18.73.090
	5	44.04.120		15	18.37.150		10	18.73.100
198	1	13.06.050		16	Leg. dir.		11	18.73.100
	2	Par. vetoed 35.82.285	207	17	Vetoed		11	Par. vetoed 18.73.110
	3	Eff. date n13.06.050		1	59.18.010		12	18.73.120
199	1-4	Nonoperative		2	59.18.020		13	18.73.130
200	1	77.12.175		3	59.18.030		14	18.73.140
	2	46.16.560		4	59.18.040		15	18.73.150
	3	46.16.565		5	59.18.050		16	18.73.160
	4	46.16.570		6	Par. vetoed 59.18.060		17	18.73.170
	5	46.16.575		7	Par. vetoed 59.18.070		18	18.73.180
	6	46.16.580		8	Par. vetoed 59.18.080		19	18.73.190
	7	46.16.585		9	59.18.090		20	Sev. 18.73.900
	8	46.16.590		10	59.18.100		21	18.73.200
	9	46.16.595		11	Par. vetoed 59.18.110		22	Eff. dates 18.73.910
	10	46.16.600		12	59.18.120	209	23	Leg. dir. 66.08.070
	11	46.16.605		13	59.18.130		2	Vetoed
	12	77.12.170		14	59.18.140		3	66.16.040
	13	Repealer		15	59.18.150		4	66.20.160
201	1	44.40.070		16	59.18.160		5	66.20.170
	2	44.40.080		17	59.18.170		6	66.20.180
	3	Leg. dir.		18	59.18.180		7	66.20.190
202	1	43.43.850		19	Par. vetoed 59.18.190		8	66.20.200
	2	43.43.852		20	59.18.200		9	66.20.210
	3	43.43.854		21	59.18.210		10	66.24.010
	4	43.43.856		22	59.18.220		11	66.24.025
	5	43.43.858		23	Par. vetoed 59.18.230		12	66.24.120
	6	43.43.860		24	Par. vetoed 59.18.240		13	66.24.206
	7	43.43.862		25	Par. vetoed 59.18.250		14	66.24.270
	8	43.43.864		26	59.18.260		15	66.24.330
	9	Sev. 43.43.911		27	59.18.270		16	66.24.370
	10	Leg. dir.		28	59.18.280		17	66.24.380
	11	Em.		29	59.18.290		18	66.24.500
203	1	90.58.030		30	59.18.300		19	66.44.320
	2	90.58.180		31	Par. vetoed 59.18.310		20	Repealer
	3	90.58.175		32	59.18.320		21	Sev. n66.08.070
204	1	82.08.150		33	59.18.330		22	Eff. date n66.08.070
	2	66.24.210		34	59.18.340	210	1	n44.40.020
	3	n66.24.210		35	59.18.350		2	44.40.090
	4	Eff. date n82.08.150		36	59.18.360		3	Par. vetoed 44.40.100
205	1	28B.52.020		37	Sev. 59.18.900		4	44.40.110
	2	Par. vetoed 28B.52.030		38	59.18.370		5	n44.40.020
	3	28B.52.060		39	59.18.380		6	n44.40.020
	4	28B.52.035		40	59.18.390		7	Approp. n44.40.020
	5	28B.52.080		41	59.18.400		8	n44.40.020
	6	28B.52.200		42	59.18.410		9	n44.40.020
	7	Sev. n28B.52.020		43	Vetoed	211	10	Em.
	8	Em.		44	59.18.420		1	70.110.010
206	1	18.37.010		45	59.04.900		2	70.110.020
	2	18.37.020		46	59.08.900		3	70.110.030
	3	18.37.030		47	Vetoed		4	70.110.040
	4	18.37.040		1	18.73.010		5	70.110.050
	5	18.37.050	208				6	70.110.060
	6	18.37.060					7	70.110.070

PARALLEL TABLES: 1973 1ST EX. SESS. LAWS—RCW

Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.
	8	70.110.080		9	Sev.		9	Sev.
	9	70.110.900			43.83.126		10	Em.
	10	Sev.		10	Em.			
		70.110.910	218	1	Par. vetoed			
212	11	Leg. dir.			9.46.010			
	1	84.34.010		2	Par. vetoed			
	2	84.34.020			9.46.020			
	3	84.34.030		3	Par. vetoed			
	4	84.34.035			9.46.030			
	5	84.34.037		4	9.46.040			
	6	84.34.050		5	9.46.050			
	7	84.34.060		6	9.46.060			
	8	84.34.070		7	Par. vetoed			
	9	84.34.080			9.46.070			
	10	Par. vetoed		8	9.46.080			
		84.34.065		9	9.46.090			
	11	Par. vetoed		10	9.46.100			
		84.34.145		11	9.46.110			
	12	84.34.108		12	9.46.120			
	13	84.34.111		13	9.46.130			
	14	84.34.121		14	9.46.140			
	15	84.34.150		15	9.46.150			
	16	84.34.131		16	9.46.160			
	17	Par. vetoed		17	9.46.170			
		84.34.141		18	9.46.180			
	18	84.34.160		19	9.46.190			
	19	84.34.155		20	9.46.200			
	20	Sev.		21	9.46.210			
		84.34.921		22	9.46.220			
	21	Repealer		23	9.46.230			
213	1	70.30.061		24	9.46.240			
	2	Par. vetoed		25	9.46.250			
		70.33.020		26	9.46.260			
	3	70.33.030		27	9.46.270			
	4	70.33.040		28	9.46.280			
	5	Par. vetoed		29	Repealer			
		70.35.040		30	Leg. dir.			
214	1	49.60.010		31	Sev.			
	2	49.60.020			9.46.900			
	3	49.60.030	219	1	43.105.010			
	4	49.60.120		2	43.105.016			
	5	49.60.130		3	43.105.020			
	6	Par. vetoed		4	43.105.032			
		49.60.180		5	Par. vetoed			
	7	Vetoed			43.105.032			
	8	49.60.190		6	43.105.041			
	9	49.60.200		7	43.105.043			
215	1	Approp.		8	43.105.045			
	2	Approp.		9	43.105.060			
	3	Vetoed		10	Sev.			
	4	Em.			43.105.900			
216	1	Par. vetoed		11	Em.			
		67.16.012		12	Repealer			
	2	Vetoed	220	1	75.12.010			
	3	67.16.140		2	Par. vetoed			
	4	67.16.150			75.12.010			
	5	67.16.160	221	1	Par. vetoed			
	6	Vetoed			83.20.030			
	7	Vetoed		2	83.20.040			
217	1	Par. vetoed	222	1	Par. vetoed			
		43.83.110			Approp.			
	2	43.83.112		2	Approp.			
	3	43.83.114		3	Par. vetoed			
	4	Par. vetoed			Approp.			
		43.83.116		4	Approp.			
	5	43.83.118		5	Approp.			
	6	43.83.120		6	Approp.			
	7	43.83.122		7	Approp.			
	8	43.83.124		8	Approp.			

PARALLEL TABLES: 1973 2ND EX. SESS. LAWS—RCW

Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.
1	1	1.16.050		10	49.12.035	30	1	43.21A.405
	2	42.04.060		11	43.22.260		2	43.21A.410
2	1	69.50.401		12	43.22.270		3	43.21A.415
	2	69.50.410		13	49.12.110		4	43.21A.420
3	1	49.66.010		14	49.12.050	31	1	74.12.010
	2	49.66.020		15	49.12.121		2	Em.
	3	49.66.030		16	49.12.170	32	1	41.32.499
	4	49.66.050		17	49.12.185		2	41.32.310
	5	49.66.070		18	49.12.187		3	41.32.4931
	6	49.66.080		19	Repealer		4	41.32.520
	7	49.66.090		20	Sev.		5	41.32.580
	8	49.66.120			49.12.900		6	Sev.
4	1	28A.41.130		21	Em.		n41.32.310	
	2	28A.41.210	17	1	43.06.130		7	Em.
	3	Eff. dates		2	43.06.140		n41.32.310	
	n84.52.043			3	43.88.205	33	1-22	Nonoperative
	4	70.12.010	18	1	47.12.270	34	1	67.28.120
	5	73.08.080		2	Em.		2	67.28.130
	6	Eff. date	19	1	90.58.140		3	67.28.160
	n84.52.043			2	Em.		4	67.28.170
	7	Em.	20	1	43.43.040		5	67.28.180
	n84.52.043		21	1	28A.57.312		6	67.28.210
5	1	84.69.050		2	28A.57.342		7	Sev.
	2	84.69.060		3	28A.57.344		8	67.28.911
	3	84.69.070		4	28A.57.358	35	1	Vetoed
	4	84.69.100		5	28A.57.425		1	Nonoperative
	4	Em.		6	28A.57.435		2	Nonoperative
6	1	9.91.120		7	29.21.180		3	Repealer
7	1	50.04.310		8	29.21.210		4	Nonoperative
	2	50.04.323		9	29.21.230		5	Nonoperative
	3	50.20.130		10	28A.57.357		6	Nonoperative
	4	n50.04.310		11	Sev.		7	Nonoperative
8	1	84.40.080		n28A.57.312			8	Nonoperative
	2	84.40.085	22	1	46.64.070		9	Nonoperative
9	1	49.46.020	23	1	26.09.020		10	Nonoperative
10	1	74.04.600		2	Em.		11	Nonoperative
	2	74.04.610	24	1	72.23.070		12	Nonoperative
	3	74.04.620		2	71.05.030		13	Nonoperative
	4	74.04.630		3	71.05.090		14	Nonoperative
	5	74.04.640		4	71.05.100		15	Nonoperative
	6	74.04.650		5	71.05.120		16	Nonoperative
	7	Em.		6	71.05.400		17	Nonoperative
11	1	70.94.775		7	71.05.410		18	Nonoperative
	2	Em.	25	1	Temporary		19	Nonoperative
12	1	47.01.141		2	Temporary		20	Nonoperative
	2	47.01.160	26	1	47.56.720		21	Temporary
	3	47.01.220		2	Temporary		22	Nonoperative
	4	47.05.030		3	Eff. date		23	Nonoperative
	5	47.05.040		n47.56.720			24	Nonoperative
	6	47.05.050	27	1	Nonoperative		25	Nonoperative
	7	47.05.070		2	Nonoperative		26	Nonoperative
	8	Repealer	28	1	Approp.		27	Nonoperative
13	1	2.36.063		2	Em.		28	Nonoperative
	2	2.36.093	29	1	43.21D.010		29	Nonoperative
14	1	41.40.195		2	43.21D.020	36	1	29.13.010
	2	41.40.280		3	43.21D.030		2	Vetoed
	3	43.43.270		4	43.21D.040		3	29.68.080
	4	Nonoperative		5	43.21D.050		4	29.68.090
	5	Em.		6	43.21D.060		5	29.68.100
15	1	46.44.080		7	43.21D.070		6	29.68.110
16	1	49.12.005		8	43.21D.080		7	29.68.120
	2	49.12.010		9	Expir. date	37	1	43.130.010
	3	49.12.020		43.21D.900		2	Par. vetoed	
	4	43.22.280		10	Construction		43.130.020	
	5	49.12.041		43.21D.905		3	43.130.030	
	6	49.12.091		11	Leg. dir.		4	Par. vetoed
	7	49.12.101		12	Sev.		43.130.040	
	8	49.12.105		43.21D.910		5	43.130.050	
	9	49.12.161		13	Em.		6	43.130.060

Chap.	Sec.	Rev.Code of Wash.	Chap.	Sec.	Rev.Code of Wash.
	7	Leg. dir.			9.46.070
	8	Sev.		5	Vetoed
		43.130.900		6	Vetoed
	9	Eff. date		7	Vetoed
		43.130.910		8	9.46.285
38	1	69.50.101		9	Vetoed
	2	46.61.520		10	Vetoed
	3	Sev.		11	Em.
		n69.50.101			
	4	Em.			
39	1	Approp.			INITIATIVE NO. 282
	2	Approp.		1	n43.03.010
	3	Approp.		2	43.03.010
	4	Approp.		3	2.04.090
	5	Approp.		4	2.06.060
	6	Approp.		5	2.08.090
	7	Approp.		6	3.58.010
	8	Approp.		7	Sev.
	9	Approp.			n43.03.010
	10	Approp.			
	11	Approp.			
	12	Approp.			
	13	Par. vetoed			
		Approp.			
	14	Vetoed			
	15	Vetoed			
	16	Par. vetoed			
		Approp.			
	17	Vetoed			
	18	Vetoed			
	19	Vetoed			
	20	Vetoed			
	21	Approp.			
	22	Approp.			
	23	Approp.			
	24	Approp.			
	25	Approp.			
	26	Temporary			
	27	Sev.			
	28	Em.			
40	1	84.36.020			
	2	84.36.030			
	3	84.36.040			
	4	84.36.050			
	5	84.36.060			
	6	84.36.800			
	7	84.36.805			
	8	84.36.810			
	9	84.36.815			
	10	84.36.820			
	11	84.36.825			
	12	84.36.830			
	13	84.36.835			
	14	84.36.840			
	15	84.36.845			
	16	84.36.850			
	17	84.36.855			
	18	84.36.860			
	19	84.36.865			
	20	Leg. dir.			
	21	Approp.			
	22	Sev.			
		84.36.900			
	23	Eff. date			
		84.36.905			
41	1	Vetoed			
	2	Vetoed			
	3	Vetoed			
	4	Par. vetoed			