

any fee for the same or similar purpose; and nothing herein shall limit or abridge the authority of any political subdivision to levy and collect a general and non-discriminatory license fee levied upon all businesses, or to levy a tax based upon gross business conducted by any firm within said political subdivision.

NEW SECTION. Sec. 23. If any provision of this 1975 act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this 1975 act and the applicability thereof to other persons and circumstances shall not be affected thereby.

NEW SECTION. Sec. 24. Sections 1 through 22 of this act shall constitute a new chapter in Title 18 RCW.

Passed the House June 8, 1975.

Passed the Senate June 8, 1975.

Approved by the Governor July 2, 1975 with the exception of section 8 which is vetoed.

Filed in Office of Secretary of State July 2, 1975.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section House Bill No. 774 entitled:

"AN ACT Relating to the operation of massage businesses."

This bill provides for the regulation and licensing, at the state level, of massage businesses and operators.

Section 8 contains a "grandfather clause" allowing any person engaged in the massage business for one year or more to qualify for the massage operator's license without taking the examination prescribed elsewhere in the bill.

I have long stated my objection to grandfather clauses in business licensing acts for the reason that I do not believe it is either in the best interest of the public or the particular business involved to license all persons previously engaged in a business for a set period of time regardless of the competency of such person. In addition, I cannot ignore the reports by law enforcement agencies detailing the proliferation in certain areas of our state of purported massage parlors which actually engage in a number of illicit and criminal activities. Approval of the grandfather clause in this bill would effectively grant licenses to persons engaged in such activities at those establishments.

With the exception of section 8 which I have vetoed for the reasons stated, the remainder of House Bill No. 774 is approved."

CHAPTER 281

[Substitute House Bill No. 818]

TOWING OR REMOVING OF MOTOR VEHICLES FROM PRIVATE PROPERTY

AN ACT Relating to towing or removing of motor vehicles from private property; amending section 1, chapter 208, Laws of 1969 ex. sess. and RCW 46.52.119; adding new sections to chapter 46.52 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. Any person having possession or control of real property who finds an abandoned vehicle or abandoned vehicle hulk as defined in RCW 46.52.102 standing upon that property is authorized to have such vehicle or hulk removed by a person properly registered pursuant to RCW 46.52.108. Such

vehicle shall be disposed of in accordance with the procedure prescribed in RCW 46.52.111 and 46.52.112.

Sec. 2. Section 1, chapter 208, Laws of 1969 ex. sess. and RCW 46.52.119 are each amended to read as follows:

Whenever any owner or person having possession or control of ~~((real))~~ family residential property finds a vehicle other than an abandoned vehicle as defined in RCW 46.52.102 standing upon such property without his consent, he is authorized to have such vehicle removed from such property and stored or held for its owner. ~~((Any towing firm providing such removal service shall promptly report the fact of a vehicle impound together with the license number, make, year and place of impound of such vehicle to the appropriate law enforcement agency, and shall post the authorized charges therefor prominently at its place of business, and the charges and costs incurred in the removal of any such vehicle as aforementioned shall be paid by such vehicle's owner, and shall be a lien upon said vehicle until paid, and said lien may be enforced as otherwise provided by law for the enforcement of towing or storage liens or liens generally.))~~

NEW SECTION. Sec. 3. No person shall have the right to tow, remove, impound or otherwise disturb any motor vehicle other than an abandoned vehicle as defined in RCW 46.52.102, which may be parked, stalled or otherwise left on private property, other than family residential property, owned or controlled by such person, unless there is posted on or near the property in a clearly conspicuous location a sign or notice in compliance with rules and regulations of the director of the department of motor vehicles providing for, without limitation, specifications for signs and posting thereof by persons intending to have unauthorized vehicles removed from property other than family residential property. Such regulations shall provide for notification to any person of the intent of the property holder to remove any unauthorized vehicles and sufficient information to assist in the prompt recovery of any vehicle removed. Such regulations shall require as a minimum that the language on any such sign provide:

- (1) Notice that unauthorized vehicles will be removed;
- (2) The name, telephone number and location of the towing firm authorized to remove vehicles.

NEW SECTION. Sec. 4. (1) Any towing firm removing vehicles from private property pursuant to sections 2 or 3 of this 1975 amendatory act shall:

- (a) File with the department a detailed schedule of all fees charged incident to the removal and storage of vehicles pursuant to sections 2 or 3 of this 1975 amendatory act;
- (b) Post a copy of the schedule of fees on file with the department in a prominent place at the business location where vehicles are released from storage;
- (c) Maintain personnel able and authorized to release any vehicle to its owner on a twenty-four hour basis;
- (d) After removing a vehicle from private property pursuant to sections 2 or 3 of this 1975 amendatory act, report the fact of removal together with the license number, vehicle identification number, make, year and place of impoundment to the law enforcement agency with jurisdiction over the place of impoundment,

which agency shall maintain a log of such reports: PROVIDED, That the reporting required in this subsection shall include an immediate radio or telephone call to, and a written notification, within twenty-four hours, to such local law enforcement agency;

(e) If any vehicle removed pursuant to sections 2 or 3 of this 1975 amendatory act remains unclaimed after twenty-four hours, send to the registered owner of the vehicle by the end of the next business day a notice by certified mail, return receipt requested, advising that person of the name, location and twenty-four hour telephone number of the person, tow truck operator, or operator of any storage facility who is empowered or authorized to return custody of any such towed, removed, or impounded motor vehicle. The notification shall also contain an estimate of the costs of towing, storage, or other services rendered during the course of removing, impounding, or storing any such motor vehicle. For the purpose of sending such notice, the law enforcement agency to which the report was made shall provide the name and address of the registered owner, as it appears on the records of the department, to the towing firm removing a vehicle under the provisions of this 1975 amendatory act: PROVIDED, That in the event such certified letter has been refused or returned to sender unclaimed the notification to the law enforcement agency as provided in subsection (1)(d) of this section shall constitute actual notice to the registered and legal owner: PROVIDED FURTHER, That the effect of other laws notwithstanding, the costs of towing, storage or other services rendered during the course of removing, impounding or storing any such motor vehicle shall not constitute a lien upon the legal ownership of such motor vehicle until forty-eight hours after the notice as provided in this subsection has been received by the local law enforcement agency or owner of the vehicle, at which time the lien may be enforced as otherwise provided by law for the enforcement of towing or storage liens or liens generally: AND PROVIDED FURTHER, That if the towing firm assesses a fee according to the miles a vehicle is towed, the lien shall be, and the towing firm shall attempt to recover, no more than the fees that would accrue for towing to the nearest storage location of any towing firm.

(2) A failure to comply with the provisions of this section in regard to any vehicle waives the lien on that vehicle, constitutes a bar to recovery of the charges accrued on that vehicle, and is grounds for the suspension or revocation of the registration of any towing firm registered under RCW 46.52.108 to dispose of the abandoned vehicle: PROVIDED, That no storage charges shall accrue in any event until written notice as provided in this section shall have been received by the local law enforcement agency or owner of the vehicle.

NEW SECTION. Sec. 5. Any towing firm removing vehicles from private property pursuant to sections 2 or 3 of this 1975 amendatory act shall release such vehicle to the owner, operator, driver, or authorized designee thereof upon the presentation to any person having custody of such vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage or other services rendered during the course of towing, removing, impounding or storing any such motor vehicle, such commercially reasonable tender to include, without limitation, cash, personal checks drawn on local banks with proper identification, and valid and appropriate credit cards: PROVIDED HOWEVER, That any person who

stops payment on a personal check with intent to defraud a towing firm which has provided a service pursuant to this section, or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees: **PROVIDED FURTHER**, That every towing firm providing service pursuant to this section shall post a true copy of this section in a conspicuous place upon its business premises: **PROVIDED FURTHER**, That if the owner, operator, driver or authorized designee thereof, shall provide adequate proof of his financial responsibility, employment and residence in the community to any person having custody of any towed, removed, impounded or stored motor vehicle, then the motor vehicle shall be released without payment, with the understanding that such costs shall be paid within thirty days, or shall be recoverable through an action by law.

NEW SECTION. Sec. 6. Any person acting to tow, remove or otherwise disturb any motor vehicle parked, stalled or otherwise left on privately owned or controlled property, and any person owning or controlling such private property, or either of them, shall be liable to the owner, operator or driver of a motor vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of such motor vehicle which does not comply with the requirements of sections 3, 4 and 5 of this 1975 amendatory act.

NEW SECTION. Sec. 7. Sections 1 and 3 through 6 of this 1975 amendatory act shall be added to chapter 46.52 RCW.

NEW SECTION. Sec. 8. If any provision of this 1975 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.

***NEW SECTION.** Sec. 9. *This 1975 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.*

*Sec. 9. was vetoed, see message at end of chapter.

Passed the House June 7, 1975.

Passed the Senate June 6, 1975.

Approved by the Governor July 2, 1975 with the exception of section 9 which is vetoed.

Filed in Office of Secretary of State July 2, 1975.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section Substitute House Bill No. 818 entitled:

"AN ACT Relating to towing or removing of motor vehicles from private property."

This bill makes various changes in the law governing the rights and duties of tow truck operators.

Section 9 declares an emergency and provides for the act to take effect immediately. I have, on several recent occasions, expressed my increasing apprehension

over repeated and unwarranted use of emergency clauses in bills that do not measure up to the standard of urgency contained in Article II, section 1(b) of our Constitution. I have vetoed emergency clauses from such bills, and must do so again for the same reason in the case of this bill.

With the exception of section 9 which I have vetoed, the remainder of Substitute House Bill No. 818 is approved."

CHAPTER 282

[House Bill No. 1077]

STATE BUILDING CODE—APPLICATION

AN ACT Relating to the state building code; amending section 5, chapter 96, Laws of 1974 1st ex. sess. and RCW 19.27.060; and amending section 8, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.080.

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

Section 1. Section 8, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.080 are each amended to read as follows:

Nothing in this 1974 act shall affect the provisions of chapters 19.28, 43.22, 70.77, 70.79 ((or)), 70.87, 48.48, 18.20, 18.46, 18.51, 28A.02, 28A.04, 70.41, 70.62, 70.75, 70.108, 71.12, 74.15, 70.94, or 76.04 RCW or grant rights to duplicate the authorities provided under chapters 70.94 or 76.04 RCW.

Sec. 2. Section 6, chapter 96, Laws of 1974 1st ex. sess. and RCW 19.27.060 are each amended to read as follows:

(1) Except as permitted or provided otherwise under the provisions of RCW 19.27.040 and subsections (3) and (4) of this section, the state building code supersedes all county, city or town building regulations containing less than the minimum performance standards and objectives contained in the state building code.

(2) Except as permitted or provided otherwise under the provisions of RCW 19.27.040 and subsections (3) and (4) of this section, the state building code shall be applicable to all buildings and structures including those owned by the state or by any other governmental subdivision.

(3) The governing body of each city, town or county may limit the application of any rule or regulation or portion of the state building code to include or exclude specified classes or types of buildings or structures, according to use, occupancy, or such other distinctions as may make differentiation or separate classification or regulation necessary, proper, or desirable: PROVIDED, That in no event shall fruits or vegetables of the tree or vine stored in buildings or warehouses, constitute combustible stock for the purposes of application of the uniform fire code.

(4) The provisions of this chapter shall not apply to any building four or more stories high with an F occupancy as defined by the uniform building code, chapter 6, 1973 edition, and with a fire insurance classification rating of 1, 2, or 3 as defined by a recognized fire rating bureau or organization.

Passed the House June 3, 1975.

Passed the Senate May 30, 1975.

Approved by the Governor July 2, 1975.

Filed in Office of Secretary of State July 2, 1975.