

The state board of education shall examine the programs in each school district in the state for reasons of program approval as required in accordance with RCW 28A.41.130, as now or hereafter amended.

School districts may obtain assistance in carrying out their duties under this section from the educational service district of which they are a part.

Passed the Senate March 4, 1976.

Passed the House March 2, 1976.

Approved by the Governor March 11, 1976.

Filed in Office of Secretary of State March 11, 1976.

## CHAPTER 91

[Senate Bill No. 3036]

### VEHICLES, WATERCRAFT, CAMPERS—TAMPERED IDENTIFICATION—IMPOUNDMENT, DISPOSITION— VEHICLE TITLE GUARANTEE ACCOUNT

AN ACT Relating to certificates of ownership and registration; adding new sections to chapter 12, Laws of 1961 and to chapter 46.12 RCW; prescribing penalties; making an appropriation; and providing an effective date.

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

**NEW SECTION.** Section 1. There is added to chapter 12, Laws of 1961 and to chapter 46.12 RCW a new section to read as follows:

Whoever knowingly buys, sells, receives, disposes of, conceals, or has knowingly in his possession any vehicle, watercraft, camper, or component part thereof, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed for the purpose of concealment or misrepresenting the identity of the said vehicle, watercraft, camper, or component part thereof shall be guilty of a gross misdemeanor.

**NEW SECTION.** Sec. 2. There is added to chapter 12, Laws of 1961 and to chapter 46.12 RCW a new section to read as follows:

(1) Any vehicle, watercraft, camper, or any component part thereof, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, obliterated, or destroyed, there being reasonable grounds to believe that such was done for the purpose of concealing or misrepresenting identity, shall be impounded and held by the seizing law enforcement agency for the purpose of conducting an investigation to determine the identity of the article or articles, and to determine whether it had been reported stolen.

(2) Within five days of the impounding of any vehicle, watercraft, camper, or component part thereof, the law enforcement agency seizing the article or articles shall send written notice of such impoundment by certified mail to all persons known to the agency as claiming an interest in the article or articles. The seizing agency shall exercise reasonable diligence in ascertaining the names and addresses of those persons claiming an interest in the article or articles. Such notice shall advise the person of the fact of seizure, the possible disposition of the article or

articles, the requirement of filing a written claim requesting notification of potential disposition, and the right of the person to request a hearing to establish a claim of ownership. Within five days of receiving notice of other persons claiming an interest in the article or articles, the seizing agency shall send a like notice to each such person.

(3) If reported as stolen, the seizing law enforcement agency shall promptly release such vehicle, watercraft, camper, or parts thereof as have been stolen, to the person who is the lawful owner or the lawful successor in interest, upon receiving proof that such person presently owns or has a lawful right to the possession of the article or articles.

**NEW SECTION.** Sec. 3. There is added to chapter 12, Laws of 1961 and to chapter 46.12 RCW a new section to read as follows:

Unless a claim of ownership to the article or articles is established pursuant to section 4 of this act, the law enforcement agency seizing the vehicle, watercraft, camper, or component part thereof may dispose of them by destruction, by selling at public auction to the highest bidder, or by holding the article or articles for the official use of the agency, when:

(1) The true identity of the article or articles cannot be established by restoring the original manufacturer's serial number or other distinguishing numbers or identification marks or by any other means;

(2) After the true identity of the article or articles has been established, the seizing law enforcement agency cannot locate the person who is the lawful owner or if such lawful owner or his successor in interest fails to claim the article or articles within forty-five days after receiving notice from the seizing law enforcement agency that the article or articles is in its possession.

No disposition of the article or articles pursuant to this section shall be undertaken until at least sixty days have elapsed from the date of seizure and written notice of the right to a hearing to establish a claim of ownership pursuant to section 4 of this act and of the potential disposition of the article or articles shall have first been served upon the person who held possession or custody of the article when it was impounded and upon any other person who, prior to the final disposition of the article, has notified the seizing law enforcement agency in writing of a claim to ownership or lawful right to possession thereof.

**NEW SECTION.** Sec. 4. There is added to chapter 12, Laws of 1961 and to chapter 46.12 RCW a new section to read as follows:

(1) Any person may submit a written request for a hearing to establish a claim of ownership or right to lawful possession of the vehicle, watercraft, camper, or component part thereof seized pursuant to this section.

(2) Upon receipt of a request for hearing, one shall be held before the chief law enforcement officer of the seizing agency or his designee.

(3) Such hearing shall be held within a reasonable time after receipt of a request therefor. Reasonable investigative activities, including efforts to establish the identity of the article or articles and the identity of the person entitled to the lawful possession or custody of the article or articles shall be considered in determining the reasonableness of the time within which a hearing must be held.

(4) The hearing and any appeal therefrom shall be conducted in accordance with chapter 34.04 RCW.

(5) The burden of producing evidence shall be upon the person claiming to be the lawful owner or to have the lawful right of possession to the article or articles.

(6) Any person claiming ownership or right to possession of an article or articles subject to disposition under sections 2 through 5 of this act may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is two hundred dollars or more. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to judgment for costs and reasonable attorney's fees. For purposes of this section the seizing law enforcement agency shall not be considered a claimant.

(7) The seizing law enforcement agency shall promptly release the article or articles to the claimant upon a determination by the hearing officer or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof.

NEW SECTION. Sec. 5. There is added to chapter 12, Laws of 1961 and to chapter 46.12 RCW a new section to read as follows:

The seizing law enforcement agency may release the article or articles impounded pursuant to this section to the person claiming ownership without a hearing pursuant to section 4 of this act when such law enforcement agency is satisfied after an appropriate investigation as to the claimant's right to lawful possession. If no hearing is contemplated as provided for in section 4 of this act such release shall be within a reasonable time following seizure. Reasonable investigative activity, including efforts to establish the identity of the article or articles and the identity of the person entitled to lawful possession or custody of the article or articles shall be considered in determining the reasonableness of the time in which release must be made.

NEW SECTION. Sec. 6. There is added to chapter 12, Laws of 1961 and to chapter 46.12 RCW a new section to read as follows:

An identification number shall be assigned to any article impounded pursuant to section 2 of this act in accordance with the rules promulgated by the department of motor vehicles prior to:

- (1) The release of the article from the custody of the seizing agency; or
- (2) The use of the article by the seizing agency.

NEW SECTION. Sec. 7. There is added to chapter 12, Laws of 1961 and to chapter 46.12 a new section to read as follows:

There is hereby created in the motor vehicle fund the vehicle title guarantee account which shall be used to reimburse a vehicle owner when: (1) His vehicle identification number was physically inspected and verified pursuant to RCW 46.12.030(3); and (2) The vehicle is determined subsequently to have been reported stolen at the time of the inspection. Such reimbursement shall be for the value of the vehicle as determined by criteria set forth in RCW 82.44.040: PROVIDED, That no claim shall be allowed under this section following a satisfactory showing by the department that errors, omissions, or transpositions were made in entering the vehicle's identity in the stolen vehicle file.

NEW SECTION. Sec. 8. The state treasurer shall transfer fifty thousand dollars from the motor vehicle fund to the vehicle title guarantee account within ten days after the effective date of this act.

NEW SECTION. Sec. 9. There is appropriated fifty thousand dollars or so much thereof as may be necessary from the vehicle title guarantee account to the department of motor vehicles for the biennium ending June 30, 1977 for reimbursement to vehicle owners pursuant to section 7 of this 1976 act.

NEW SECTION. Sec. 10. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This act shall take effect on July 1, 1976.

Passed the Senate March 4, 1976.

Passed the House February 27, 1976.

Approved by the Governor March 11, 1976.

Filed in Office of Secretary of State March 11, 1976.

## CHAPTER 92

[Senate Bill No. 3091]

### SCHOOL PERSONNEL CERTIFICATION

AN ACT Relating to education; amending section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 50, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.04.120; amending section 28A.70.005, chapter 223, Laws of 1969 ex. sess. and RCW 28A.70.005; amending section 28A.70.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 135, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.130; amending section 28A.70.140, chapter 223, Laws of 1969 ex. sess. as last amended by section 136, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.140; creating a new section; and reenacting section 28A.70.110, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 192, Laws of 1975 1st ex. sess. and section 134, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.110.

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

Section 1. Section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 50, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.04.120 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive ~~((teachers<sup>d</sup>))~~ such certification.

(2) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to ~~((teachers<sup>d</sup>))~~ such certification as provided for in subsection (1) above, and prepare ~~((an accredited list of those higher institutions of))~~ a list of accredited institutions of higher education of this and other states whose graduates may be awarded ~~((teachers<sup>d</sup>))~~ such certificates.

(3) Supervise the issuance of ~~((teachers<sup>d</sup>))~~ such certificates as provided for in subsection (1) above and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.70.005.

(4) Examine and accredit secondary schools and approve, subject to the provisions of RCW 28A.02.201, private schools carrying out a program for any or all