

# Title 1

## GENERAL PROVISIONS

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### Chapter 1.04 RCW THE CODE

#### Sections

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*Code reviser: Chapter 1.08 RCW.*

*Legislature to amend or repeal laws by reference to code numbers: RCW 1.08.050.*

*Statute law committee: Chapter 1.08 RCW.*

**1.04.010 Revised Code of Washington enacted.** The ninety-one titles with chapters and sections designated as the "Revised Code of Washington" and attested by the secretary of the senate and the chief clerk of the house of representatives of the legislature of the state of Washington, are hereby enacted and designated as the "Revised Code of Washington." Said code is intended to embrace in a revised, consolidated, and codified form and arrangement all the laws of the state of a general and permanent nature. [1951 c 5 § 2; 1950 ex.s. c 16 § 1.]

*Creation of new code titles authorized, effect: RCW 1.08.015.*

**1.04.013 1950 Supplement enacted.** The titles, chapters, and sections designated as the "1950 Supplement to the Revised Code of Washington" attested by the secretary of the senate and the chief clerk of the house of representatives of the legislature of the state of Washington, and filed with the secretary of state, are hereby enacted and consolidated into and with the Revised Code of Washington. Said 1950 supplement is intended to embrace (1) in a revised and codified form, all those laws of the state of Washington of a general and permanent nature enacted since January 1, 1949, (2) revision and recodification of certain of the titles, chapters, and sections of the revised code, and (3) application of a new system of numbering to all of the sections and certain of the

chapters of the revised code, subject to RCW 1.04.014. [1951 c 5 § 1.]

**1.04.014 Numbering system adopted—Application.** The system of numbering employed in the 1950 supplement is hereby adopted as the general system to be followed in designating sections of the revised code. Specific numbers, in accordance with such system, are authorized to be assigned to sections of the revised code as follows:

Those chapters and sections of the revised code expressly numbered or renumbered in the 1950 supplement are authorized to be numbered or renumbered to the new number respectively shown in the 1950 supplement. All other sections of the revised code now existing are authorized to be renumbered by tens according to the plan generally used in the 1950 supplement, using the number of the title, the new number, if any, of the chapter in which the section occurs, and adding the digit "0" to the terminal end of the number marking the position of the section within the chapter. The secretary of state shall, before publication of any laws enacted at this session of the legislature which are by their terms expressly amendatory of any section or sections contained in the revised code or the 1950 supplement, renumber each section and correlate the numbers of sections so renumbered, in accordance with this provision, so that each such section when published bears or is referred to by its proper new number. The secretary of state, in publishing the session laws of this thirty-second session of the legislature shall use therein the applicable new numbers of the respective sections so renumbered. [1951 c 5 § 3.]

**1.04.015 Numbering new sections, chapters—Corrections.** New chapters or sections added to the Revised Code of Washington (as supplemented or modified by the 1950 supplement), as the result of laws enacted at this or subsequent sessions of the legislature, shall be numbered in harmony with said general numbering system, and shall bear such respective numbers in accordance therewith as may be assigned by such official or agency as may be expressly authorized by law so to do.

This section shall not prohibit or prevent the correction by any such official or agency, of the number of any section of the revised code found clearly to be incorrectly numbered or incorrectly correlated with other sections as to number. [1951 c 5 § 4.]

**1.04.016 Expansion of numbering system—Decimal factor.** It is the intent that under said numbering system the section factor of the section number shall be treated as a decimal figure, and where new sections must hereafter in codifying be inserted between sections then already consecutively numbered, the proper number for such new section shall be created by the insertion of an additional digit at the terminal end of the number of the section immediately preceding the

location at which such new section is to be inserted. [1951 c 5 § 5.]

**1.04.020 Code as evidence of the law—Rule of construction—Effect of amendment.** The contents of the Revised Code of Washington, after striking therefrom sections repealed or superseded by laws of the state of Washington enacted since January 1, 1949, as the revised code is supplemented or modified in the 1950 supplement, shall establish the laws of this state of a general and permanent nature in effect on January 1, 1951; except, that nothing herein shall be construed as changing the meaning of any such laws and, as a rule of construction, in case of any omissions or any inconsistency between any of the provisions of the revised code as so supplemented or modified and the laws existing immediately preceding this enactment, the previously existing laws shall control. Any section of the Revised Code of Washington (as supplemented or modified by the 1950 supplement) expressly amended by the legislature, including the entire context set out, shall, as so amended, constitute the law and the ultimate declaration of legislative intent. [1951 c 5 § 6.]

**1.04.021 Rule of construction—Prima facie law.** The contents of said code shall establish prima facie the laws of this state of a general and permanent nature in effect on January 1, 1949, but nothing herein shall be construed as changing the meaning of any such laws. In case of any omissions, or any inconsistency between any of the provisions of said code and the laws existing immediately preceding this enactment, the previously existing laws shall control. [1950 ex.s. c 16 § 2.]

**1.04.030 New laws to be added to code.** All laws of a general and permanent nature enacted after January 1, 1949, shall, from time to time, be incorporated into and become a part of said code. [1950 ex.s. c 16 § 3.]

**1.04.040 Code may be cited as "RCW."** The code may be cited by the abbreviation "RCW." [1950 ex.s. c 16 § 4.]

**Chapter 1.08 RCW  
STATUTE LAW COMMITTEE  
(CODE REVISER)**

Sections

1.08.001	Statute law committee created—Membership.
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1.08.0392	Publication, sale, and distribution of code and supplements—Statute law committee publications account created—Purpose—Disbursements.
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1.08.050	Amendment, repeal to include code numbers—Assignment of code numbers.
1.08.060	Loans and exchanges of codes and supplements.
1.08.070	Legislators to receive codes and supplements on digital media without charge.
1.08.080	Statute law committee publications to be permanently available in digital form on legislative web sites.
1.08.110	Publication of Washington State Register—Rule-making authority.
1.08.112	Report on rule-making activity.
1.08.120	Substitution of words designating department or secretary of transportation.

*Administrative procedures, reviser's powers and duties: Chapter 34.05 RCW.*

*Statute law committee to publish session laws: Chapter 44.20 RCW.*

*Voter registration, copy of statewide computer tape provided to statute law committee: RCW 29A.08.760.*

**1.08.001 Statute law committee created—Membership.** There is created a permanent statute law committee consisting of eleven members as follows:

- (1) The secretary of the senate, ex officio;
- (2) Two members of the senate, one from each of the two largest caucuses in the senate, appointed by the president of the senate;
- (3) The chief clerk of the house of representatives, ex officio;
- (4) Two members of the house of representatives, one from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives;
- (5) The staff director of the nonpartisan professional committee staff of the senate, ex officio;
- (6) The staff director of the nonpartisan professional committee staff of the house of representatives, ex officio;
- (7) A lawyer admitted to practice in this state, appointed by the board of governors of the Washington State Bar Association;
- (8) A judge of the supreme court or a lawyer who has been admitted to practice in this state, appointed by the chief justice of the supreme court; and
- (9) A lawyer staff member of the governor's office or a state agency, appointed by the governor.

All such initial appointments shall be made within thirty days of May 11, 2005. [2005 c 409 § 1; 1967 ex.s. c 124 § 1; 1959 c 95 § 1; 1955 c 235 § 1; 1953 c 257 § 1; 1951 c 157 § 1.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**1.08.003 Terms of members—Filling vacancies.** The term of the member of the committee appointed by the State Bar Association, shall be for two years.

The term of any ex officio member expires upon expiration of tenure of the position by virtue of which he or she is a member of the committee. The remaining members of the committee shall serve at the pleasure of the appointing authority. Vacancies shall be filled by designation, appoint-

ment, or ex officio in the same manner as for the member so vacating, and if a vacancy results other than from expiration of a term, the vacancy shall be filled for the unexpired term. [2005 c 409 § 2; 1959 c 95 § 2; 1955 c 235 § 2; 1953 c 257 § 2; 1951 c 157 § 2.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

#### **1.08.005 Compensation and expenses of members.**

For attendance at meetings of the committee or in attending to such other business of the committee as may be authorized thereby, each legislative member of the committee shall receive the per diem and travel allowances provided for such members by RCW 44.04.120, and each other member shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. [1984 c 287 § 6; 1969 c 21 § 1; 1951 c 157 § 3.]

**Legislative findings—Severability—Effective date—1984 c 287:** See notes following RCW 43.03.220.

**1.08.007 Committee meetings.** The committee shall from time to time elect a chair from among its members and adopt rules to govern its procedures. Four members of the committee shall constitute a quorum for the transaction of any business but no proceeding of the committee shall be valid unless carried by the vote of a majority of the members present. The code reviser or a member of his or her staff shall act as secretary of the committee. [2011 c 336 § 1; 2005 c 409 § 3; 1953 c 257 § 3; 1951 c 157 § 4.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**1.08.011 Employment of code reviser and staff.** The committee shall employ on behalf of the state and from time to time fix the compensation of a competent code reviser, with power to terminate any such employment at any time. The committee shall also employ on behalf of the state and fix the compensation of such additional legal and clerical assistance to the code reviser as may reasonably be required under this chapter. The committee shall have general supervision and control over the functions and performance of the code reviser. [2005 c 409 § 4; 1951 c 157 § 5.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**1.08.013 Code reviser defined.** Code reviser shall mean any lawyer or law publisher employing competent lawyers, each deemed by the committee to be qualified to compile the statutory law of the state of Washington as enacted by the legislature into a code or compilation of laws by title, chapter and section, without substantive change or alteration of purpose or intent. [1951 c 157 § 6.]

**1.08.015 Codification and revision of laws—Scope of revision.** Subject to such general policies as may be promulgated by the committee and to the general supervision of the committee, the reviser shall:

(1) Codify for consolidation into the Revised Code of Washington all laws of a general and permanent nature heretofore or hereafter enacted by the legislature, and assign permanent numbers as provided by law to all new titles, chapters, and sections so added to the revised code.

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(2) Edit and revise such laws for such consolidation, to the extent deemed necessary or desirable by the reviser and without changing the meaning of any such law, in the following respects only:

(a) Make capitalization uniform with that followed generally in the revised code.

(b) Make chapter or section division and subdivision designations uniform with that followed in the revised code.

(c) Substitute for the term "this act," where necessary, the term "section," "part," "code," "chapter," or "title," or reference to specific section or chapter numbers, as the case may require.

(d) Substitute for reference to a section of an "act," the proper code section number reference.

(e) Substitute for "as provided in the preceding section" and other phrases of similar import, the proper code section number references.

(f) Substitute the proper calendar date for "effective date of this act," "date of passage of this act," and other phrases of similar import.

(g) Strike out figures where merely a repetition of written words, and substitute, where deemed advisable for uniformity, written words for figures.

(h) Rearrange any misplaced statutory material, incorporate any omitted statutory material as well as correct manifest errors in spelling, and manifest clerical or typographical errors, or errors by way of additions or omissions.

(i) Correct manifest errors in references, by chapter or section number, to other laws.

(j) Correct manifest errors or omissions in numbering or renumbering sections of the revised code.

(k) Rearrange the order of sections to conform to such logical arrangement of subject matter as may most generally be followed in the revised code, and alphabetize definition sections, when to do so will not change the meaning or effect of such sections.

(l) Change the wording of section captions, if any, and provide captions to new chapters and sections.

(m) Strike provisions manifestly obsolete.

(3) Create new code titles, chapters, and sections of the Revised Code of Washington, or otherwise revise the title, chapter and sectional organization of the code, all as may be required from time to time, to effectuate the orderly and logical arrangement of the statutes. Such new titles, chapters, and sections, and organizational revisions, shall have the same force and effect as the ninety-one titles originally enacted and designated as the "Revised Code of Washington" pursuant to the code adoption acts codified in chapter 1.04 RCW. [2009 c 186 § 1; (2011 c 74 § 801 repealed by 2012 c 214 § 1601); 1961 c 246 § 1; 1953 c 257 § 4; 1951 c 157 § 7.]

**Application—Effective date—2011 c 74:** See notes following RCW 62A.9A-102.

**1.08.016 Code correction—Committee orders.** The committee may at any time by order correct any section or portion of the code in any of the respects enumerated in RCW 1.08.015. Orders shall be numbered consecutively and signed by the committee chair and each order shall be followed by an explanatory note reciting the reason therefor.

Unless otherwise prescribed in the orders, each shall become effective ninety days after:

- (1) Signing of the order; and
- (2) Filing a summary thereof with the board of governors of the state bar association; and
- (3) The filing thereof with the secretary of state. [2011 c 336 § 2; 1953 c 257 § 5.]

**1.08.017 Code reviser may omit certain provisions of legislative acts from code; may omit annotations after ten years.** (1) The reviser may omit from the code all titles to acts, enacting and repealing clauses, preambles, declarations of emergency, severability, and validity and construction sections unless, in a particular instance, it may be necessary to retain such to preserve the full intent of the law. The omission of validity or construction sections is not intended to, nor shall it change, or be considered as changing, the effect to be given thereto in construing legislation of which such validity and construction sections were a part. Any section so omitted, other than repealing, emergency, severability, or validity provisions, shall be referred to or set forth as an annotation to the applicable sections of the act as codified.

(2) The reviser may remove annotations that have appeared in the published Revised Code of Washington for more than ten years, unless in a particular instance, it may be necessary to retain such to preserve the full intent of the law. Any annotations removed under this subsection shall be retained and available in the electronic copy of the Revised Code of Washington available on the code reviser web site.

(3) Section captions, part headings, subheadings, tables of contents, and indexes appearing in legislative bills shall not be considered any part of the law, and the reviser may omit such provisions from the Revised Code of Washington and annotations unless, in a particular instance, it may be necessary to retain such to preserve the full intent of the law. [2009 c 186 § 2; 1955 c 235 § 3; 1951 c 157 § 8.]

**1.08.020 Code index.** The reviser, as soon as practicable, shall compile and thereafter maintain a comprehensive index and from time to time prepare for publication supplements thereto. [1953 c 257 § 7.]

**1.08.021 Historical records.** The reviser shall prepare and maintain full historical records showing the enactment, amendment, revision, supersession, and repeal of the various sections of the revised code. [1951 c 157 § 9.]

**1.08.023 Annotations.** The reviser may prepare and maintain complete annotations of court decisions construing the statutes of this state. [1951 c 157 § 10.]

**1.08.024 Inclusion in code of rules of court.** The committee may provide for inclusion in the published sets of the code the rules of court promulgated by the supreme court. [1953 c 257 § 8.]

**1.08.025 Improvement of statutes.** The committee, or the reviser with the approval of the committee, shall from time to time make written recommendations to the legislature concerning deficiencies, conflicts, or obsolete provisions in, and need for reorganization or revision of, the statutes, and shall prepare for submission to the legislature, legislation for the correction or removal of such deficiencies, conflicts or

obsolete provisions, or to otherwise improve the form or substance of any portion of the statute law of this state as the public interest or the administration of the subject may require.

Such or similar projects may also be undertaken at the request of the legislature and legislative interim bodies and if such undertaking will not impede the other functions of the committee.

All such proposed legislation shall be annotated so as to show the purposes, reasons, and history thereof. [1997 c 41 § 1; 1983 c 52 § 2; 1959 c 95 § 3; 1951 c 157 § 11.]

**1.08.026 Examination of code—Hearings—Recommendations to legislature.** The committee also shall examine the revised code and from time to time submit to the legislature proposals for enactment of the several titles, chapters and sections thereof, to the end that, as expeditiously as possible, the revised code, and each part thereof, shall constitute conclusive, rather than prima facie evidence of the law. Each such proposal shall be accompanied by explanatory matter. The committee may hold hearings concerning any such proposal or concerning recommendations formulated or to be formulated in accordance with RCW 1.08.025. Proposals or recommendations approved by the committee shall be submitted to the chair of the house or senate judiciary committee at the commencement of the next succeeding session of the legislature. [2011 c 336 § 3; 1959 c 95 § 4; 1953 c 257 § 9.]

**1.08.027 Bill drafting service.** The reviser shall be in charge of and shall at all times maintain an expert bill drafting service for the use and benefit of the legislature, its committees and its members. Prior to any session thereof, the legislature shall provide quarters convenient to both houses and shall augment the reviser's staff with such additional legal and clerical assistance as may be needed to carry out the bill drafting functions of the legislature and pay the cost of such additional staff. Such services shall be confidential and non-partisan and no member of the bill drafting staff shall advocate for or against any legislative measure. [1953 c 257 § 6; 1951 c 157 § 12.]

*Initiative measures, review by code reviser: RCW 29A.72.020.*

**1.08.028 Opinions as to validity or constitutionality.** Neither the reviser nor any member of his or her staff shall be required to furnish any written opinion as to the validity or constitutionality of any proposed legislation, which he or she may be requested to draft or prepare, nor shall any member of the committee be required to pass upon the constitutionality of any matter submitted to it for consideration. [2011 c 336 § 4; 1955 c 235 § 4.]

**1.08.031 Information service to legislators.** The reviser shall, to the extent reasonably feasible through available facilities and public sources of information, provide objective and factual information in writing to and upon request of any member of the legislature relative to any matter which is or may be the subject of or involved in, legislation. [1951 c 157 § 13.]

**1.08.033 Reviser's office location.** The department of public institutions shall provide suitable office and storage space and facilities for the reviser and his or her staff at Olympia, at a location convenient to the legislature and to the state law library. [2011 c 336 § 5; 1955 c 235 § 5; 1951 c 157 § 15.]

**Reviser's note:** Powers and duties of department of public institutions relating to housing of state agencies were repealed by 1955 c 195 § 3 and the director of general administration was vested with these powers and duties in 1955 c 285 § 9. The director of general administration was renamed the director of enterprise services by 2011 1st sp.s. c 43 § 107.

**1.08.037 Publication of code—Specifications—Certificate of compliance.** The committee shall from time to time formulate specifications relative to the format, size and style of type, paper stock, number of volumes, method and quality of binding, contents, indexing, and general scope and character of footnotes, and annotations, if any, for any publication for general use of the revised code and supplements thereto. No such publication or the contents thereof, other than such temporary edition as may expressly be authorized by the legislature, shall be received as evidence of the laws of this state unless it complies with such specifications of the committee as are current at the time of publication, including compliance with the section numbering adopted by the reviser under supervision of the statute law committee. If a publication complies with such specifications, the committee shall furnish a certificate of such compliance, executed on behalf of the committee by its chair, to the publisher, and the certificate shall be reproduced at the beginning of each such volume or supplement.

Upon request of any publisher in good faith interested in publishing said code, the committee shall furnish a copy of its current specifications and shall not during the process of any bona fide publication of said code or supplements modify any such specifications, if such modification would result in added expense or material inconvenience to the publisher, without written concurrence therein by such publisher. [2011 c 336 § 6; 1955 c 235 § 6; 1953 c 257 § 14; 1951 c 157 § 14.]

**1.08.038 Publication, sale, and distribution of code and supplements—Reprints.** The statute law committee shall publish, sell and distribute, and arrange for the publication, sale and distribution of the Revised Code of Washington and of supplements thereto and of such other materials as in their discretion may be incorporated in or appended to the code. They may republish, reprint or authorize the republishing or reprinting of the code or any portion thereof. [1955 c 235 § 7; 1953 c 257 § 11.]

**1.08.039 Publication, sale, and distribution of code and supplements—Contracts or other arrangements.** The committee may enter into contracts or otherwise arrange for the publication and/or distribution, provided for in RCW 1.08.038, with or without calling for bids, by the department of enterprise services, upon specifications formulated under the authority of RCW 1.08.037, and upon such basis as the committee deems to be most expeditious and economical. Any such contract may be upon such terms as the committee deems to be most advantageous to the state and to potential purchasers of such publications. The committee shall fix

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terms and prices for such publications. [2011 1st sp.s. c 43 § 301; 1955 c 235 § 8; 1953 c 257 § 12.]

**Effective date—Purpose—2011 1st sp.s. c 43:** See notes following RCW 43.19.003.

**1.08.0392 Publication, sale, and distribution of code and supplements—Statute law committee publications account created—Purpose—Disbursements.** For the purposes of financing the production and sale of such of its publications as in the judgment of the statute law committee may be advantageously financed by the use of revolving fund moneys, there is hereby created, and the committee is authorized to maintain, a revolving fund to be known as statute law committee publications account. None of the provisions of RCW 43.01.050 shall be applicable to said fund nor to any moneys received or collected by the committee for publications financed by said fund.

All moneys shall be paid from said account by check or voucher in such form and in such manner as shall be prescribed by the committee. [1961 c 246 § 2.]

**1.08.040 Certification—Official code—Prima facie evidence.** The Revised Code of Washington containing the certificate of the temporary code committee and any supplement or addition thereto or reprint edition thereof, which contains the certificate of the statute law committee referred to in RCW 1.08.037, shall be deemed official, and shall be prima facie evidence of the laws contained therein. [1955 c 5 § 2; 1953 c 257 § 15; 1951 c 157 § 16; 1941 c 149 § 3; Rem. Supp. 1941 § 152-38.]

**1.08.050 Amendment, repeal to include code numbers—Assignment of code numbers.** The legislature in amending or repealing laws shall include in such act references to the code numbers of the law affected. The reviser shall assign code numbers to such permanent and general laws as are hereafter enacted at any legislative session. [1959 c 95 § 5; 1955 c 5 § 3; 1951 c 157 § 17. Prior: (i) 1941 c 149 § 4; Rem. Supp. 1941 § 152-39. (ii) 1947 c 282 § 1; Rem. Supp. 1947 § 152-40.]

**1.08.060 Loans and exchanges of codes and supplements.** The committee may loan sets of the code and materials supplemental thereto

(1) for the use of senate committees, a quantity as required by advice from the secretary of the senate, not to exceed twenty-five sets;

(2) for use of the house committees, a quantity as required by advice from the chief clerk of the house, not to exceed thirty-five sets;

(3) to the state law library for library use;

(4) for use of the reviser's office, as required;

(5) for use of recognized news reporting services maintaining permanent offices at the capitol, three sets.

The committee may exchange copies of RCW for codes or compilations of other states. [1982 1st ex.s. c 32 § 6; 1953 c 257 § 10.]

**1.08.070 Legislators to receive codes and supplements on digital media without charge.** Each member of the legislature may receive one set of the Revised Code of

Washington on digital media without charge. All persons receiving codes under this section may receive supplements to the code on digital media free of charge, during their term of office as a member or officer of the legislature. [2011 c 156 § 2; 1955 c 235 § 9.]

**Purpose—Finding—Intent—2011 c 156:** See note following RCW 1.08.080.

**1.08.080 Statute law committee publications to be permanently available in digital form on legislative web sites.** Current digital copies of the Revised Code of Washington, the Washington Administrative Code, the Washington State Register, and the session laws of the Washington state legislature shall be maintained and made freely available for permanent public access on the code reviser or legislative web site. All historical digital copies added to the web site shall be made freely available for permanent public access.

The statute law committee shall provide digital authentication for any publication in a digital format that is declared official, if in the discretion of the committee such authentication does not interfere with public access. [2011 c 156 § 3.]

**Purpose—Finding—Intent—2011 c 156:** "The purpose of this act is to promote widespread access to legal and public information materials produced by the statute law committee in both digital and print formats while responding to a changing marketplace where sale of paper copies no longer supports the printing of copies intended for free distribution.

The legislature finds that web-based access to these materials has become the most popular and efficient method of access by the public, state agencies and local governments, and the legal community and that permanent public access to these web-based materials shall be maintained and preserved. The statute law committee shall also make it a priority to provide reasonably priced print alternatives to the public, state agencies and local governments, and libraries.

The legislature intends that the statute law committee have additional discretion to distribute its publications using the most efficient methods and technologies available and to use less expensive formats for the delivery of free copies to state and local agencies when appropriate." [2011 c 156 § 1.]

**1.08.110 Publication of Washington State Register—Rule-making authority.** The statute law committee, in addition to the other responsibilities enumerated in this chapter, shall publish the Washington State Register as created in RCW 34.08.020. The statute law committee or the code reviser may adopt rules as are necessary for the effective operation of this service. The statute law committee, in its discretion, may publish the Washington State Register exclusively by electronic means on the code reviser web site if it determines that public access to the Washington State Register is not substantially diminished. If the statute law committee publishes the Washington State Register exclusively by electronic means on the code reviser web site, the electronic copy posted on the code reviser web site shall be considered the official copy of the Washington State Register.

The code reviser shall provide a paper copy of any issue of the register or any register filing upon request. The code reviser may charge a reasonable fee for printing and mailing the paper copy. [2007 c 456 § 2; 1977 ex.s. c 240 § 2.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**1.08.112 Report on rule-making activity.** (1) The code reviser shall compile and publish on a quarterly basis a report on state agency rule-making activity. The report shall summarize the following information by agency and by type

of activity for new, amended, and repealed rules adopted by state agencies pursuant to chapter 34.05 RCW:

(a) The number adopted, proposed for adoption, and withdrawn;

(b) The number adopted as emergency rules;

(c) The number adopted in order to comply with federal statute, with federal rules or standards, and with recently enacted state statutes;

(d) The number adopted at the request of a nongovernmental entity;

(e) The number adopted on an agency's own initiative;

(f) The number adopted in order to clarify, streamline, or reform agency procedures;

(g) The number of petitions for review of rules received by agencies;

(h) The number of rules appealed to superior court; and

(i) The number adopted using negotiated rule making, pilot rule making, or other alternative rule-making mechanisms.

(2) For purposes of the report required by this section, each Washington State Register filing section shall be considered as a separate rule. The code reviser may adopt rules necessary to implement this section. To the maximum extent practicable, the code reviser shall use information supplied on forms provided by state agencies pursuant to chapter 34.05 RCW to prepare the report required by this section. [1995 c 403 § 704.]

**Findings—Short title—Intent—1995 c 403:** See note following RCW 34.05.328.

**1.08.120 Substitution of words designating department or secretary of transportation.** For purposes of harmonizing and clarifying the provisions of the statute sections published in the revised code of Washington, the code reviser may substitute words designating the department of transportation or the secretary of transportation, as appropriate, whenever necessary to effect the changes in meaning provided for in RCW 47.68.015 and 47.04.015 or any other act of the 1977 legislature. [1977 ex.s. c 151 § 24.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

## Chapter 1.12 RCW RULES OF CONSTRUCTION

### Sections

1.12.010	Code to be liberally construed.
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**1.12.010 Code to be liberally construed.** The provisions of this code shall be liberally construed, and shall not be limited by any rule of strict construction. [1891 c 23 § 1, part; Code 1881 §§ 758, 1686; 1877 p 153 § 763; 1854 p 221 § 504; RRS § 144.]

**Reviser's note:** (1) This section is a part of 1891 c 23 § 1. The introductory phrase of that section provides: "The following provisions relative to the construction of statutes shall be rules of construction and shall constitute a part of the code of procedure of this state:"

(2) This section was originally section 504 of the 1854 statute entitled "An act to regulate the practice and proceedings in civil actions." Section 504 of the 1854 statute reads as follows: "The provisions of this act shall be liberally construed and shall not be limited by any rule of strict construction." Identical language appears in Code of 1881 § 1686 relating to probate, and again in Code of 1881 § 758, being part of "An act to regulate the practice and proceedings in civil actions" except that in the latter instance the 1881 codifier changed the words "this act" to read "this code."

**1.12.020 Statutes continued, when.** The provisions of a statute, so far as they are substantially the same as those of a statute existing at the time of their enactment, must be construed as continuations thereof. [1891 c 23 § 1, part; Code 1881 §§ 761, 1292, 1681; RRS § 145.]

**Reviser's note:** This section is a part of 1891 c 23 § 1. The introductory phrase of that section provides: "The following provisions relative to the construction of statutes shall be rules of construction and shall constitute a part of the code of procedure of this state:"

*Laws in force continued: State Constitution Art. 27 § 2.*

**1.12.025 Construction of multiple amendments to statutes—Publication—Decodification of repealed sections.** (1) If at any session of the legislature there are enacted two or more acts amending the same section of the session laws or of the official code, each amendment without reference to the others, each act shall be given effect to the extent that the amendments do not conflict in purpose, otherwise the act last filed in the office of the secretary of state in point of time, shall control: PROVIDED, That if one or more special sessions of the same legislature shall follow any regular session, this rule of construction shall apply to the laws enacted at either, both, any, or all of such sessions.

(2) If a section of the session laws or of the official code is amended without reference to another amendment of the same section, the code reviser, in consultation with the statute law committee, may publish the section in the official code with all amendments incorporated therein. The publication of the section under this subsection shall occur only if the statute law committee determines that the amendments do not conflict in purpose or effect. Sections so published constitute prima facie evidence of the law but shall not be construed as changing the meaning of any such law.

The code reviser, in consultation with the statute law committee, may decodify a section of the official code which was repealed without reference to an amendment to the section. The decodification of the section shall occur only if the statute law committee determines that the decodification does not conflict with the purpose of the amendment. Any decision of the code reviser, in consultation with the statute law committee, to incorporate amendments in the same section or to decodify a section which was both repealed and amended in the same session shall be clearly noted in the revised code of Washington.

If any conflict arises in the interpretation of a section published or decodified under this subsection, the session law sections shall control. [1983 c 244 § 1; 1980 c 87 § 2; 1974 ex.s. c 87 § 1; 1969 ex.s. c 240 § 1; 1955 c 162 § 1.]

(2021 Ed.)

**1.12.026 Construction of statutes—Retrospective application.** The provisions of RCW 1.12.025 as now or hereafter amended shall apply retrospectively as well as prospectively. [1969 ex.s. c 240 § 2.]

**1.12.028 Construction of statutes—Internal references as including amendments thereto.** If a statute refers to another statute of this state, the reference includes any amendments to the referenced statute unless a contrary intent is clearly expressed. [1982 c 16 § 1.]

**1.12.040 Computation of time.** The time within which an act is to be done, as herein provided, shall be computed by excluding the first day, and including the last, unless the last day is a holiday, Saturday, or Sunday, and then it is also excluded. [1997 c 125 § 1; 1887 c 20 § 1; Code 1881 § 743; 1854 p 219 § 486; RRS § 150.]

**Rules of court:** *CR 6(a), RAP 18.6. Cf. RAP 18.22.*

**Reviser's note:** This section has been enacted at various times as part of "An act to regulate the practice and proceedings in civil actions." However, *Allen v. Morris*, 87 Wash. 268, 274, 151 Pac. 827 (1915); *State ex rel. Evans v. Superior Court*, 168 Wash. 176, 179, 11 P. (2d) 229 (1932); *State v. Levesque*, 5 Wn. (2d) 631, 635, 106 P. (2d) 309 (1940); and *State ex rel. Early v. Batchelor*, 15 Wn. (2d) 149, 130 P. (2d) 72 (1942), treat this section as being of general application.

**1.12.050 Number and gender.** Words importing the singular number may also be applied to the plural of persons and things; words importing the plural may be applied to the singular; and words importing the masculine gender may be extended to females also. [1891 c 23 § 1, part; Code 1881 §§ 756, 965, 1920; 1877 p 153 § 761; 1857 p 45 § 1; 1854 p 99 § 135 and p 221 § 502; RRS § 148.]

**Reviser's note:** This section is a part of 1891 c 23 § 1. The introductory phrase of that section provides: "The following provisions relative to the construction of statutes shall be rules of construction and shall constitute a part of the code of procedure of this state:"

*Probate, number and gender: RCW 11.02.005.*

*Statutes in gender-neutral terms: RCW 44.04.210.*

*Wrongful death, number and gender: RCW 4.20.005.*

**1.12.060 Certified mail—Use—Electronic return receipts authorized.** (1) Whenever the use of "registered" mail is authorized by this code, "certified" mail, with return receipt requested, may be used.

(2) Whenever the use of "certified mail with a return receipt requested" is authorized or required by this code, electronic return receipt delivery confirmation provided by the United States postal service may be used. [2009 c 251 § 1; 1961 c 204 § 1.]

**1.12.070 Reports, claims, tax returns, remittances, etc.—Filing.** Except as otherwise specifically provided by law hereafter:

(1) Any report, claim, tax return, statement or other document required to be filed with, or any payment made to the state or to any political subdivision thereof, which is (a) transmitted through the United States mail or private third-party delivery service, shall be deemed filed and received by the state or political subdivision on the date shown by the post office or private third-party delivery service cancellation mark or shipping date stamped or affixed upon the envelope or other appropriate wrapper containing it; or (b) mailed via

United States mail or sent by a private third-party delivery service but not received by the state or political subdivision, or where received and the cancellation mark or shipping date is illegible, erroneous, or omitted, shall be deemed filed and received on the date it was mailed if the sender establishes by competent evidence that the report, claim, tax return, statement, remittance, or other document was deposited with a private third-party delivery service or in the United States mail on or before the date due for filing; and in cases of such nonreceipt of a report, tax return, statement, remittance, or other document required by law to be filed, the sender files with the state or political subdivision a duplicate within ten days after written notification is given to the sender by the state or political subdivision of its nonreceipt of such report, tax return, statement, remittance, or other document.

(2)(a) If any report, claim, tax return, statement, remittance, or other document is sent by United States registered mail, certified mail or certificate of mailing, a record authenticated by the United States post office of such registration, certification or certificate shall be considered competent evidence that the report, claim, tax return, statement, remittance or other document was delivered to the addressee, and the date of registration, certification or certificate shall be deemed the postmarked date.

(b) If any report, claim, tax return, statement, remittance, or other document is sent via private third-party delivery service, a record authenticated by the private third-party delivery service shall be considered competent evidence that the report, claim, tax return, statement, remittance, or other document was delivered to the addressee, and the date of deposit with the private third-party delivery service shall be deemed the shipping date.

(3) If the date for filing any report, claim, tax return, statement, remittance, or other document falls upon a Saturday, Sunday or legal holiday, the filing shall be considered timely if performed on the next business day. [2005 c 502 § 1; 1967 c 222 § 1.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**1.12.080 Construction of statutes—Domestic relations—Exceptions.** For the purposes of this code and any legislation hereafter enacted by the legislature or by the people, with the exception of chapter 26.04 RCW, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, unless the legislation expressly states otherwise and to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009 and chapter 3, Laws of 2012, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships and spouses of the same sex. [2012 c 3 § 13 (Referendum Measure No. 74, approved November 6, 2012); 2011 c 9 § 2; 2009 c 521 § 3.]

Notice—2012 c 3: See note following RCW 26.04.010.

## Chapter 1.16 RCW GENERAL DEFINITIONS

### Sections

1.16.020	"Fiscal biennium."
1.16.030	"Fiscal year"—School districts and other taxing districts.
1.16.040	"Folio."
1.16.050	"Legal holidays" and "legislatively recognized days"—Unpaid holidays for employees with appointments or contracts of less than twelve consecutive months.
1.16.060	"Month" or "months."
1.16.065	"Officer."
1.16.080	"Person"—Construction of "association," "unincorporated association," and "person, firm, or corporation" to include a limited liability company.
1.16.090	Legislative declaration for civil liberties day of remembrance.
1.16.100	Domestic relations terms—Exceptions.

**1.16.020 "Fiscal biennium."** The fiscal biennium of the state shall commence on the first day of July in each odd-numbered year and end on the thirtieth day of June of the next succeeding odd-numbered year. The fiscal biennium of those cities and towns which utilize a biennial budget shall commence on the first day of January in each odd-numbered year and end on the thirty-first day of December of the next succeeding even-numbered year. [1985 c 175 § 2; 1953 c 184 § 2; 1923 c 86 § 1; RRS § 10927.]

*Biennial reports: RCW 43.01.035.*

*Municipal biennial budgets: Chapters 35.34 and 35A.34 RCW.*

**1.16.030 "Fiscal year"—School districts and other taxing districts.** August 31st shall end the fiscal year of school districts and December 31st of all other taxing districts. [1975-76 2nd ex.s. c 118 § 21; 1909 c 76 § 13; RRS § 9963.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**1.16.040 "Folio."** The term "folio" when used as a measure for computing fees or compensation, shall be construed to mean one hundred words, counting every two figures necessarily used as a word. Any portion of a folio, when in the whole draft or paper there should not be a complete folio, and when there shall be an excess over the last folio exceeding a quarter, it shall be computed as a folio. The filing of a paper shall be construed to include the certificate of the same. [Code 1881 § 2093; 1869 p 373 § 15; RRS § 500.]

**1.16.050 "Legal holidays" and "legislatively recognized days"—Unpaid holidays for employees with appointments or contracts of less than twelve consecutive months.** (1) The following are state legal holidays:

- Sunday;
- The first day of January, commonly called New Year's Day;
- The third Monday of January, celebrated as the anniversary of the birth of Martin Luther King, Jr.;
- The third Monday of February, to be known as Presidents' Day and celebrated as the anniversary of the births of Abraham Lincoln and George Washington;
- The last Monday of May, commonly known as Memorial Day;
- The nineteenth day of June, recognized as Juneteenth, a day of remembrance for the day the African slaves learned of their freedom;



(g) The fourth day of July, the anniversary of the Declaration of Independence;

(h) The first Monday in September, to be known as Labor Day;

(i) The eleventh day of November, to be known as Veterans' Day;

(j) The fourth Thursday in November, to be known as Thanksgiving Day;

(k) The Friday immediately following the fourth Thursday in November, to be known as Native American Heritage Day; and

(l) The twenty-fifth day of December, commonly called Christmas Day.

(2) Employees of the state and its political subdivisions, except employees of school districts and except those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, are entitled to one paid holiday per calendar year in addition to those specified in this section. Each employee of the state or its political subdivisions may select the day on which the employee desires to take the additional holiday provided for in this section after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority.

(3) Employees of the state and its political subdivisions, including employees of school districts and those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. This includes employees of public institutions of higher education, including community colleges, technical colleges, and workforce training programs. The employee may select the days on which the employee desires to take the two unpaid holidays after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority. If an employee prefers to take the two unpaid holidays on specific days for a reason of faith or conscience, or an organized activity conducted under the auspices of a religious denomination, church, or religious organization, the employer must allow the employee to do so unless the employee's absence would impose an undue hardship on the employer or the employee is necessary to maintain public safety. Undue hardship shall have the meaning established in rule by the office of financial management under RCW 43.41.109.

(4) If any of the state legal holidays specified in this section are also federal legal holidays but observed on different dates, only the state legal holidays are recognized as a paid legal holiday for employees of the state and its political subdivisions. However, for port districts and the law enforcement and public transit employees of municipal corporations, either the federal or the state legal holiday is recognized as a

paid legal holiday, but in no case may both holidays be recognized as a paid legal holiday for employees.

(5) Whenever any state legal holiday:

(a) Other than Sunday, falls upon a Sunday, the following Monday is the legal holiday; or

(b) Falls upon a Saturday, the preceding Friday is the legal holiday.

(6) Nothing in this section may be construed to have the effect of adding or deleting the number of paid holidays provided for in an agreement between employees and employers of political subdivisions of the state or as established by ordinance or resolution of the local government legislative authority.

(7) The legislature declares that the following days are recognized as provided in this subsection, but may not be considered legal holidays for any purpose:

(a) The thirteenth day of January, recognized as Korean-American day;

(b) The twelfth day of October, recognized as Columbus day;

(c) The ninth day of April, recognized as former prisoner of war recognition day;

(d) The twenty-sixth day of January, recognized as Washington army and air national guard day;

(e) The seventh day of August, recognized as purple heart recipient recognition day;

(f) The second Sunday in October, recognized as Washington state children's day;

(g) The sixteenth day of April, recognized as Mother Joseph day;

(h) The fourth day of September, recognized as Marcus Whitman day;

(i) The seventh day of December, recognized as Pearl Harbor remembrance day;

(j) The twenty-seventh day of July, recognized as national Korean war veterans armistice day;

(k) The nineteenth day of February, recognized as civil liberties day of remembrance;

(l) The thirtieth day of March, recognized as welcome home Vietnam veterans day;

(m) The eleventh day of January, recognized as human trafficking awareness day;

(n) The thirty-first day of March, recognized as Cesar Chavez day;

(o) The tenth day of April, recognized as Dolores Huerta day;

(p) The fourth Saturday of September, recognized as public lands day; and

(q) The eighteenth day of December, recognized as blood donor day. [2021 c 295 § 2; 2020 c 74 § 2. Prior: 2019 c 224 § 2; 2019 c 10 § 1; 2018 c 307 § 1; 2016 c 9 § 2; prior: 2014 c 177 § 2; 2014 c 168 § 1; 2013 c 5 § 1; 2012 c 11 § 1; prior: 2007 c 61 § 2; 2007 c 19 § 2; 2003 c 68 § 2; 2000 c 60 § 1; 1999 c 26 § 1; 1993 c 129 § 2; 1991 sp.s. c 20 § 1; 1991 c 57 § 2; 1989 c 128 § 1; 1985 c 189 § 1; 1979 c 77 § 1; 1977 ex.s. c 111 § 1; 1975-'76 2nd ex.s. c 24 § 1; 1975 1st ex.s. c 194 § 1; 1973 2nd ex.s. c 1 § 1; 1969 c 11 § 1; 1955 c 20 § 1; 1927 c 51 § 1; RRS § 61; prior: 1895 c 3 § 1; 1891 c 41 § 1; 1888 p 107 § 1.]

**Findings—Intent—2021 c 295:** "The legislature finds that on June 19, 1865, two and one-half years after President Lincoln signed the Emancipa-

tion Proclamation and two months after the end of the Civil War, news finally reached Galveston, Texas, that the Civil War had ended and that all enslaved persons were now released from the bondage of slavery. Slavery has left a catastrophic and unrelenting legacy of trauma for generations of Black/African Americans. Racism, discrimination, and inequity have been prevalent throughout the United States of America since 1619, which has cost Black/African Americans life, liberty, and prosperity.

The legislature also finds that June 19th has been celebrated in smaller communities across the nation as Juneteenth. Also known as Freedom Day, Jubilee Day, Liberation Day, and Emancipation Day, Juneteenth is a holiday that celebrates the emancipation of those who had been enslaved in the United States. Although this day has special significance for Black/African Americans in the state of Washington, the historical and continued harms of slavery and the rejoicing of the end of this atrocity should be acknowledged and celebrated by all Washingtonians.

The legislature intends to designate Juneteenth as a state legal holiday to celebrate the end of chattel slavery. The legislature encourages that this be a day to engage in fellowship with Black/African Americans; revisit our solidarity and commitment to antiracism; educate ourselves about slave history; and continue having conversations that uplift every Washingtonian." [2021 c 295 § 1.]

**Finding—Intent—2020 c 74:** "The legislature finds that with the help of over two hundred fifty thousand registered donors and volunteers in the state, blood centers collect close to one thousand units of blood each day. All blood receives immediate, comprehensive testing so that it can be available to regional hospitals, usually in less than twenty-four hours after donation. About one in seven people entering a hospital need blood. Blood is always needed for treatment of accident victims, cancer patients, hemophiliacs, and surgery patients. Blood cannot be manufactured. Blood is collected at local donor centers and mobile units travel to hundreds of blood drives every month at work sites, schools, places of worship, and other community locations throughout the Pacific Northwest. Blood donation is one of the most significant contributions that a person can make towards our society. When the Amtrak Cascades passenger train 501 tragically derailed near Olympia on December 18, 2017, our state came together to save the lives of more than eighty injured passengers. A team comprised of emergency responders, health care providers, ordinary citizens, and blood donors at blood centers throughout the state collected over two thousand units to respond to the lives of those in need. Blood donation is an integral community responsibility that connects all of us in our state. Therefore, it is the intent of the legislature to recognize and celebrate the incredible value of blood donors and blood donations in Washington by designating the eighteenth day of December as blood donor day." [2020 c 74 § 1.]

**Finding—Intent—2019 c 224:** "The legislature finds that the public lands managed by federal, state, and local governments are one of the state's finest and most remarkable attributes. Public lands directly help power the economy of the state, through the multibillion dollar outdoor recreation economy, and working forests, aquatic lands, and other resources that are being sustainably managed for public benefit. The excellence and pervasiveness of public lands in Washington are also integral to making it an attractive place for people to live, work, and play. Therefore, it is the intent of the legislature to recognize and celebrate the incredible value of preserving and protecting the public lands in Washington by designating the fourth Saturday in September as public lands day." [2019 c 224 § 1.]

**Findings—Intent—2016 c 9:** "(1) The legislature finds that:

(a) Human trafficking is a horrendous crime and activity in which force, fraud, or coercion is used to force adults into labor or commercial sexual exploitation, or force children and youth into child commercial sexual exploitation;

(b) In 2002, Washington was the first state in the United States to create a state antitrafficking of persons task force; safety measures for noncitizen, nonresident persons recruited by international matchmaking organizations for the purpose of providing dating, matrimonial, or social referral services; and a definition of human trafficking crimes at the state level;

(c) In 2003, Washington was the first state to enact a state crime of human trafficking;

(d) In 2004, an advisory committee on trafficking was convened by the United States attorney's office for the western district of Washington, creating a multidisciplinary team to collaborate locally, nationally, and internationally;

(e) According to the Washington state attorney general's office, fifty-five percent of global internet child pornography is initiated in the United States, with the child victims often being runaways, troubled, or homeless youth;

(f) The Washington anti-trafficking response network reports that they have seen cases of young men and boys exploited in the construction industry, and immigrants and others exploited by restaurants, small businesses, agriculture, and the commercial sex industry; and

(g) The Washington state legislature enacted forty antitrafficking laws between 2002 and 2015, and has been recognized by shared hope international and the polaris project as being among the very top states in the country for antitrafficking advocacy and legislation.

(2) The legislature intends to recognize and honor Washington state's efforts to reduce human trafficking by designating the eleventh day of January in each year as "human trafficking awareness day." [2016 c 9 § 1.]

**Findings—Intent—2014 c 177:** "(1) The Washington state legislature finds that:

(a) Native Americans have long inhabited the area now known as Washington state, living in sustainable cultures based on cooperation and respect for the land and all creatures;

(b) Native Americans suffered many grave injustices when nontribal people settled in Washington state, but endured to preserve remarkable American Indian cultures;

(c) Native Americans have contributed immeasurably to Washington state and the United States as scholars, artists, entrepreneurs, and leaders in all realms of society;

(d) Native Americans have served with honor and distinction in the United States armed forces, and many made the ultimate sacrifice in that service;

(e) Many states have designated days, weeks, or months honoring Native American heritage, and on October 21, 2013, President Barack Obama proclaimed November 2013 as National Native American Heritage Month and called upon all Americans to celebrate November 29, 2013, as Native American Heritage Day; and

(f) More than one hundred eighty federally acknowledged Native American tribes in the United States, including many Washington state tribes, support recognizing a day honoring Native American heritage.

(2) The Washington state legislature therefore intends to recognize and honor Washington state's proud and resonant Native American heritage by designating the Friday immediately following the fourth Thursday in November, currently a state legal and school holiday, as "Native American Heritage Day." [2014 c 177 § 1.]

**Finding—Declaration—2007 c 61:** "The legislature recognizes that on June 19, 1865, Union soldiers landed at Galveston, Texas with news that the Civil War had ended and the slaves were now free; that this was two and a half years after President Lincoln signed the Emancipation Proclamation on January 1, 1863; that the end of slavery brought on new challenges and realities in establishing a previously nonexistent status for African Americans in the United States; that racism and continued inequality is the legacy of slavery and acknowledging it is the first step in its eradication; and that since 1980 June 19th has been celebrated as Juneteenth across the United States as a day for people to come together in the spirit of reconciliation to commemorate the contributions of African Americans to this country's history and culture.

The legislature declares that an annual day of recognition be observed in remembrance of the day the slaves realized they were free as a reminder that individual rights and freedoms must never be denied." [2007 c 61 § 1.]

**Findings—2007 c 19:** "The legislature finds that in the more than one hundred years that Koreans have immigrated to the United States, these immigrants and their descendants have made an invaluable contribution to our state and nation. Korean-Americans have worked for many years to better not only their community, but the communities in which they live and the state as a whole. The legislature further finds that due to the close friendship between the people of Korea and the United States, it is fitting to recognize Korean-American contributions to our society in a dignified and fitting manner, and to encourage Korean-Americans to honor the sacrifices made by American citizens during the Korean War." [2007 c 19 § 1.]

**Finding—1993 c 129:** "The legislature finds that Washington's children are one of our most valuable assets, representing hope for the future. Children today are at risk for many things, including drug and alcohol abuse, child abuse, suicide, peer pressure, and the economic and educational challenges of a changing world. It is increasingly important for families, schools, health professionals, caregivers, and workers at state agencies charged with the protection and help of children to listen to them, to support and encourage them, and to help them build their dreams for the future.

To increase recognition of children's issues, a national children's day is celebrated in October, with ceremonies and activities devoted to children. Washington state focuses special attention on its children by establishing a Washington state children's day." [1993 c 129 § 1.]

**Finding—Declaration—1991 c 57:** "The legislature finds that the Washington army and air national guard comprise almost nine thousand dedicated men and women who serve the state and nation on a voluntary basis. The legislature also finds that the state of Washington benefits from that dedication by immediate access to well-prepared resources in time of natural disasters and public emergency. The national guard has consistently and frequently responded to state and local emergencies with people and equipment to provide enforcement assistance, medical services, and overall support to emergency management services.

The legislature further declares that an annual day of commemoration should be observed in honor of the achievements, sacrifices, and dedication of the men and women of the Washington army and air national guard." [1991 c 57 § 1.]

*Court business on legal holidays:* RCW 2.28.100, 2.28.110.

*School holidays:* RCW 28A.150.050.

**1.16.060 "Month" or "months."** The word "month" or "months," whenever the same occurs in the statutes of this state now in force, or in statutes hereinafter enacted, or in any contract made in this state, shall be taken and construed to mean "calendar months." [1891 c 23 § 1, part; Code 1881 § 759; 1877 p 333 § 1; RRS § 149.]

**Reviser's note:** This section is a part of 1891 c 23 § 1. The introductory phrase of that section provides: "The following provisions relative to the construction of statutes shall be rules of construction and shall constitute a part of the code of procedure of this state:".

**1.16.065 "Officer."** Whenever any term indicating an officer is used it shall be construed, when required, to mean any person authorized by law to discharge the duties of such officer. [Code 1881 § 755; 1854 p 221 § 501; RRS § 147.]

**Reviser's note:** This section was formerly a part of RCW 42.04.010. It first appeared in "An Act to regulate the practice and proceedings in civil actions" (1854 p 221 § 501), as part of chapter LIV, "Construction". It also appeared as Code of 1881 § 755 in chapter LXVII, "Of Construction", as part of the code of civil procedure.

*Criminal code, officer defined:* RCW 9A.04.110.

**1.16.080 "Person"—Construction of "association," "unincorporated association," and "person, firm, or corporation" to include a limited liability company.** (1) The term "person" may be construed to include the United States, this state, or any state or territory, or any public or private corporation or limited liability company, as well as an individual.

(2) Unless the context clearly indicates otherwise, the terms "association," "unincorporated association," and "person, firm, or corporation" or substantially identical terms shall, without limiting the application of any term to any other type of legal entity, be construed to include a limited liability company. [1996 c 231 § 1; 1891 c 23 § 1, part; Code 1881 § 964; 1857 p 46 § 1; 1854 p 99 § 134; RRS § 146.]

**Reviser's note:** This section is a part of 1891 c 23 § 1. The introductory phrase of that section provides: "The following provisions relative to the construction of statutes shall be rules of construction and shall constitute a part of the code of procedure of this state:".

*Criminal proceedings, person defined:* RCW 9A.04.110.

*Declaratory judgments, person defined:* RCW 7.24.130.

*Eminent domain by cities, person defined:* RCW 8.12.020.

*Notice to alien property custodian, person defined:* RCW 4.28.340.

*Wrongful death, person defined:* RCW 4.20.005.

**1.16.090 Legislative declaration for civil liberties day of remembrance.** The legislature recognizes that on February 19, 1942, the President of the United States issued Exec-

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utive Order 9066 which authorized military rule over civilian law and lives; that Executive Order 9066 led to the World War II evacuation and internment of more than one hundred twenty thousand Japanese Americans, most of whom were United States citizens by birth; that Japanese Americans lost their homes and livelihoods and suffered physical and psychological damage; and that, despite widespread hostility and discrimination, Japanese Americans served with distinction in the United States military effort as members of the Military Intelligence Service and in the segregated 100th Infantry Battalion and the 442nd Regimental Combat Team. The legislature further recognizes that in the name of "military necessity," Japanese Americans were deprived of their fundamental constitutional rights and civil liberties; and that the Japanese American experience during World War II tragically illuminates the fragile nature of our most cherished national beliefs and values.

The legislature declares that an annual day of recognition be observed in remembrance of Japanese Americans interned during World War II as a reminder that, regardless of the provocation, individual rights and freedoms must never be denied. [2003 c 68 § 1.]

**1.16.100 Domestic relations terms—Exceptions.** For the purposes of this code, with the exception of chapter 26.04 RCW, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships. [2009 c 521 § 4.]

**Chapter 1.20 RCW  
GENERAL PROVISIONS**

Sections

- 1.20.010 State flag.
- 1.20.015 Display of national and state flags.
- 1.20.017 Display of national league of families' POW/MIA flag.
- 1.20.020 State tree.
- 1.20.025 State grass.
- 1.20.030 State flower.
- 1.20.035 State fruit.
- 1.20.037 State marine mammal.
- 1.20.038 State endemic mammal.
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*Design of state seal: State Constitution Art. 18 § 1.*

*State boundaries: State Constitution Art. 24 § 1 (Amendment 33).*

**1.20.010 State flag.** The official flag of the state of Washington shall be of dark green silk or bunting and shall bear in its center a reproduction of the seal of the state of Washington embroidered, printed, painted or stamped thereon. The edges of the flag may, or may not, be fringed. If a fringe is used the same shall be of gold or yellow color of the same shade as the seal. The dimensions of the flag may vary.

The secretary of state is authorized to provide the state flag to units of the armed forces, without charge therefor, as in his or her discretion he or she deems entitled thereto. The secretary of state is further authorized to sell the state flag to any citizen at a price to be determined by the secretary of state. [2011 c 336 § 7; 1967 ex.s. c 65 § 2; 1925 ex.s. c 85 § 1; 1923 c 174 § 1; RRS § 10964-1, RRS vol. 11, p. 399.]

**Reviser's note:** Same RRS number was also used for a section dealing with a different subject on page 110 of RRS vol. 11, pocket part.

**1.20.015 Display of national and state flags.** The flag of the United States and the flag of the state shall be prominently installed, displayed and maintained in schools, court rooms and state buildings. [1955 c 88 § 1.]

*Crimes relating to flags: Chapter 9.86 RCW.*

*Flag exercises in schools: RCW 28A.230.140.*

**1.20.017 Display of national league of families' POW/MIA flag.** (1) Each public entity must display the national league of families' POW/MIA flag along with the flag of the United States and the flag of the state upon or near the principal building of the public entity on the following days: (a) Former Prisoners of War Recognition Day on April 9th; (b) Welcome Home Vietnam Veterans Day on March 30; (c) Armed Forces Day on the third Saturday in May; (d) Memorial Day on the last Monday in May; (e) Flag Day on June 14; (f) Independence Day on July 4; (g) National Korean War Veterans Armistice Day on July 27; (h) National POW/MIA Recognition Day on the third Friday in September; (i) Veterans' Day on November 11th; and (j) Pearl Harbor Remembrance Day on December 7th. If the designated day falls on a Saturday or Sunday, then the POW/MIA flag must be displayed on the preceding Friday.

(2) The governor's veterans affairs advisory committee must provide information to public entities regarding the purchase and display of the POW/MIA flag upon request.

(3) As used in this section, "public entity" means every state agency, including each institution of higher education, and every county, city, and town. [2017 c 79 § 1; 2013 c 5 § 2; 2012 c 11 § 2; 2002 c 293 § 1.]

**1.20.020 State tree.** That certain evergreen tree known and described as the western hemlock (*Tsuga heterophylla*) is hereby designated as the official tree of the state of Washington. [1947 c 191 § 1; Rem. Supp. 1947 § 10964-120.]

**1.20.025 State grass.** *Agropyron spicatum*, the species of natural grass commonly called "bluebunch wheatgrass," is hereby designated as the official grass of the state of Washington. [1989 c 354 § 62.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**1.20.030 State flower.** The native species, *Rhododendron macrophyllum*, is hereby designated as the official flower of the state of Washington. [1959 c 29 § 1; 1949 c 18 § 1; Rem. Supp. 1949 § 10964-200.]

**1.20.035 State fruit.** The official fruit of the state of Washington is the apple. [1989 c 354 § 63.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**1.20.037 State marine mammal.** The orca, *Orcinus orca*, is hereby designated as the official marine mammal of the state of Washington. [2005 c 51 § 2.]

**Finding—Intent—2005 c 51:** "The legislature finds that many people visit Washington state to watch orcas, the orca is a significant symbol for the Native American culture, there are pods of orcas that migrate annually through Puget Sound, and the orca is easily recognizable because of its distinct markings. The legislature intends to promote orca awareness and to encourage protection of the natural marine habitat by designating the orca as the official marine mammal of the state of Washington." [2005 c 51 § 1.]

**1.20.038 State endemic mammal.** The Olympic marmot, *Marmota olympus*, is hereby designated as the official endemic mammal of the state of Washington. [2009 c 464 § 2.]

**Finding—Intent—2009 c 464:** "The legislature finds that the Olympic marmot, the only endemic mammal in Washington state, should be designated as the state endemic mammal. The Olympic marmot inhabits the Olympic Peninsula in the western section of the state of Washington. Olympic marmots hibernate from September to May. During the morning and afternoon on summer days they feed and spend time sunbathing on rocks. In the evening, they return to their burrow. Olympic marmots are relatively easy to see during the summer months along Hurricane Ridge in the Olympic National Park. Olympic marmots eat herbs, grasses, and flowers. They prefer plants that are soft and easy to digest. They may also eat fruits, legumes, and insects.

Olympic marmots are highly social and may live in groups of over a dozen animals. Gregarious bonds are made between individuals in a family. Olympic marmots identify each other by touching noses and smelling cheeks.

The legislature intends to promote awareness of the Olympic marmot by designating the Olympic marmot as the official endemic mammal of the state of Washington." [2009 c 464 § 1.]

**1.20.040 State bird.** The willow goldfinch is hereby designated as the official bird of the state of Washington. [1951 c 249 § 1.]

**1.20.042 State fossil.** The Columbian mammoth of North America, *Mammuthus columbi*, is hereby designated as the official fossil of the state of Washington. [1998 c 129 § 2.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**1.20.045 State fish.** The species of trout commonly called "steelhead trout" (*Salmo gairdnerii*) is hereby design-

nated as the official fish of the state of Washington. [1969 c 36 § 1.]

**1.20.047 State insect.** The common green darner dragonfly, *Anax junius drury*, is hereby designated as the official insect of the state of Washington. [1997 c 6 § 2.]

**Finding—1997 c 6:** "The legislature finds that the common green darner dragonfly, *Anax junius drury*, can be found throughout Washington and is easily recognizable by its bright green head and thorax. The legislature further recognizes that the common green darner dragonfly, also known as the "mosquito hawk," is a beneficial contributor to our ecosystem." [1997 c 6 § 1.]

**1.20.050 Standard time—Daylight saving time. (Contingent repeal.)** No county, city or other political subdivision of this state shall adopt any provision for the observance of daylight saving time, or any time other than standard, except pursuant to a gubernatorial proclamation declaring an emergency during a period of national war and authorizing such adoption, or unless other than standard time is established on a national basis: PROVIDED, That this section shall not apply to orders made by federal authorities in a local area entirely under federal control. [1953 c 2 § 1 (Initiative Measure No. 181, approved November 4, 1952).]

**Reviser's note:** 2019 c 297 contains a contingent repeal section and a contingent effective date section. This section and RCW 1.20.051 and 1.20.052 will be repealed under 2019 c 297 § 4 on the date provided in 2019 c 297 § 5 when the contingency in 2019 c 297 § 5 occurs.

**Contingent repeal—2019 c 297:** See note following RCW 1.20.052.

**1.20.051 Daylight saving time. (Contingent repeal.)** At two o'clock antemeridian Pacific Standard Time of the second Sunday in March each year the time of the state of Washington shall be advanced one hour, and at two o'clock antemeridian Pacific Standard Time of the first Sunday in November in each year the time of the state of Washington shall, by the retarding of one hour, be returned to Pacific Standard Time. [2018 c 22 § 2; 1963 c 14 § 1; 1961 c 3 § 1 (Initiative Measure No. 210, approved November 8, 1960).]

**Reviser's note:** (1) 2019 c 297 contains a contingent repeal section and a contingent effective date section. This section and RCW 1.20.050 and 1.20.052 will be repealed under 2019 c 297 § 4 on the date provided in 2019 c 297 § 5 when the contingency in 2019 c 297 § 5 occurs.

(2) See also federal law, which prescribes identical start and end dates for daylight saving time. 15 U.S.C. Sec. 260a.

**Contingent repeal—2019 c 297:** See note following RCW 1.20.052.

**Explanatory statement—2018 c 22:** "RCW 1.08.025 directs the code reviser, with the approval of the statute law committee, to prepare legislation for submission to the legislature "concerning deficiencies, conflicts, or obsolete provisions" in statutes. This act makes technical, nonsubstantive amendments as follows:

(1) Section 2 of this act amends RCW 1.20.051 to conform the start and end dates of daylight saving time to the dates in federal law, 15 U.S.C. Sec. 260a.

(2) Section 3 of this act is intended to correct an apparent error in RCW 6.23.120. The legislature apparently intended to refer to one hundred twenty percent of the redemption amount, rather than one hundred twenty percent greater than the redemption amount. *P.H.T.S., LLC v. Vantage Capital, LLC*, 186 Wn. App. 281, 289 n.8, 345 P.3d 20, 24 (2015).

(3) Section 4 of this act is intended to correct an apparent error in RCW 6.27.060. The section contains a cross-reference to the fee schedule in RCW 36.18.020, when the actual fee is found in RCW 36.18.016(6).

(4) Section 5 of this act amends RCW 9A.56.130 to reflect multiple changes in subsection numbering of a cross-referenced section.

(5) Section 6 of this act is intended to correct an apparent error in RCW 11.02.005(10). One sentence in the subsection is repeated in nearly identical form in the same subsection.

(2021 Ed.)

(6) Section 7 of this act amends RCW 13.40.193 to reflect a change in subsection numbering of a cross-referenced section.

(7) Section 8 of this act is intended to correct an apparent error in RCW 15.24.100. Section 8, chapter 15, Laws of 2016 sp. sess. removed the language authorizing an assessment in RCW 15.24.100. The assessment referred to appears to be the assessment authorized in RCW 15.24.090.

(8) Section 9 of this act clarifies language in RCW 26.50.070(4) by consistently using the term "ex parte temporary order" throughout the subsection.

(9) Section 10 of this act merges a double amendment created when section 39, chapter 7, Laws of 2010 1st sp. sess. amended RCW 43.21B.005 without reference to the amendments made by section 4, chapter 210, Laws of 2010.

(10) Section 11 of this act is intended to correct an apparent error in RCW 43.43.823(5). RCW 9.41.114 provides a five-day deadline for firearms dealers to report certain information, but the informational form in RCW 43.43.823(5) states that the deadline is two days.

(11) Section 12 of this act amends RCW 46.55.080 to reflect a change in subsection numbering of a cross-referenced section.

(12) Section 13 of this act is intended to remove doubt as to the validity of portions of RCW 51.32.095. Section 3, chapter 137, Laws of 2015 repealed the expiration date of 2013 and 2011 amendments to RCW 51.32.095, but allowed 2007 amendments to the section to expire on June 30, 2016.

(13) Section 14 of this act repeals RCW 82.04.4483, which was previously repealed by section 504, chapter 323, Laws of 2017 without cognizance of technical amendments made by section 19, chapter 135, Laws of 2017.

(14) Section 15 of this act is intended to clarify the expiration date of RCW 90.56.335. Section 950, chapter 36, Laws of 2016 sp. sess. (the supplemental omnibus appropriations act) amended RCW 90.56.335 without cognizance of the section's expiration date." [2018 c 22 § 1.]

**1.20.052 Permanent daylight saving time—Intent. (Contingent repeal.)** Under federal law as it exists on July 28, 2019, states are not permitted to observe daylight saving time year-round. If the United States congress amends federal law to authorize states to observe daylight saving time year-round, the legislature intends that Washington state make daylight saving time the permanent time of the state and all of its political subdivisions. [2019 c 297 § 1.]

**Reviser's note:** 2019 c 297 contains a contingent repeal section and a contingent effective date section. This section and RCW 1.20.050 and 1.20.051 will be repealed under 2019 c 297 § 4 on the date provided in 2019 c 297 § 5 when the contingency in 2019 c 297 § 5 occurs.

**Contingent repeal—2019 c 297:** "The following acts or parts of acts are each repealed:

(1) RCW 1.20.050 (Standard time—Daylight saving time) and 1953 c 2 s 1;

(2) RCW 1.20.051 (Daylight saving time) and 2018 c 22 s 2, 1963 c 14 s 1, & 1961 c 3 s 1; and

(3) RCW 1.20.052 and 2019 c 297 s 1." [2019 c 297 § 4.]

**Contingent effective date—2019 c 297:** See note following RCW 1.20.055.

**1.20.055 Pacific daylight time. (Contingent effective date.)** (1) The time of the state of Washington and all of its political subdivisions is Pacific daylight time throughout the calendar year, as determined by reference to coordinated universal time.

(2) Pacific daylight time within the state is that of the fifth zone designated by federal law as Pacific Standard Time, 15 U.S.C. Secs. 261 and 263, advanced by one hour. [2019 c 297 § 2.]

**Contingent effective date—2019 c 297:** "(1) Sections 2 through 4 of this act [at] take effect on the first Sunday in November following the effective date of federal authorization to observe daylight saving time year-round, except if the effective date of federal authorization to observe daylight saving time year-round occurs on or after October 1st but before the first Sunday

in November, sections 2 through 4 of this act take effect on the first Sunday in November in the following year.

(2) The governor shall provide written notice of the effective date of sections 2 through 4 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the governor." [2019 c 297 § 5.]

**1.20.060 Arbor day.** The second Wednesday in April of each year is designated as Arbor day. [1957 c 220 § 1.]

**1.20.070 State song.** The song, music and lyrics, "Washington My Home", composed by Helen Davis, is hereby designated as the official song of the state of Washington. [1959 c 281 § 1.]

**1.20.071 State song—Proceeds from sale.** All proceeds from the sale of the official song of the state as designated in RCW 1.20.070 shall be placed in the general fund. [1973 1st ex.s. c 59 § 1; 1959 c 281 § 2.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**1.20.073 State folk song.** The legislature recognizes that winter recreational activities are part of the folk tradition of the state of Washington. Winter recreational activities serve to turn the darkness of a northwest winter into the dawn of renewed vitality. As the winter snows dissolve into the torrents of spring, the Columbia river is nourished. The Columbia river is the pride of the northwest and the unifying geographic element of the state. In order to celebrate the river which ties the winter recreation playground of snowcapped mountains and the Yakima, Snake, and the Klickitat rivers to the ocean so blue, the legislature declares that the official state folk song is "Roll On Columbia, Roll On," composed by Woody Guthrie. [1987 c 526 § 4.]

**1.20.075 State dance.** The square dance is designated as the official dance of the state of Washington. [1979 ex.s. c 10 § 1.]

**1.20.080 State seal.** The seal of the state of Washington shall be, a seal encircled with the words: "The Seal of the State of Washington," with the vignette of General George Washington as the central figure, and beneath the vignette the figures "1889" and shall be composed as appears in the illustration below:



[1967 ex.s. c 65 § 1.]

**1.20.090 State gem.** Petrified wood is hereby designated as the official gem of the state of Washington. [1975 c 8 § 1.]

**1.20.100 Diverse cultures and languages encouraged—State policy.** The legislature finds that:

(1) Diverse ethnic and linguistic communities have contributed to the social and economic prosperity of Washington state;

(2) It is the welcomed responsibility and opportunity of this state to respect and facilitate the efforts of all cultural, ethnic, and linguistic segments of the population to become full participants in Washington communities;

(3) This state's economic well-being depends heavily on foreign trade and international exchange and more than one out of six jobs is directly linked to foreign trade and international exchange;

(4) If Washington is to prosper in foreign trade and international exchange, it must have citizens that are multilingual and multicultural;

(5) While recognizing the value of a multilingual background, the state also encourages all citizens to become proficient in English to facilitate full participation of all groups into society and to promote cross-communication between multilingual groups; and

(6) The multilingual nature of communication that currently exists in this state should be promoted to build trust and understanding among all of its citizens.

Therefore, it shall be the policy of the state of Washington to welcome and encourage the presence of diverse cultures and the use of diverse languages in business, government, and private affairs in this state. [1989 c 236 § 1.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**1.20.110 State tartan.** The Washington state tartan is hereby designated. The tartan shall have a pattern of colors, called a sett, that is made up of a green background with stripes of blue, white, yellow, red, and black. The secretary of state shall register the tartan with the Scottish Register of Tartans. [2019 c 64 § 2; 1991 c 62 § 1.]

**Explanatory statement—2019 c 64:** "RCW 1.08.025 directs the code reviser, with the approval of the statute law committee, to prepare legislation for submission to the legislature "concerning deficiencies, conflicts, or obsolete provisions" in statutes. This act makes technical, nonsubstantive amendments as follows:

(1) Section 2 of this act updates RCW 1.20.110 to reflect 2008 legislation by the Scottish parliament, creating a new register of tartans.

(2) Sections 3, 17, and 19 of this act merge double amendments created when sections were amended without reference to the amendments made in the same year.

(3) Section 4 of this act amends RCW 13.40.193 to reflect a change in subsection numbering of a cross-referenced section.

(4) Section 5 of this act corrects an apparent error in RCW 28B.117.040(1). The reference to "subsection (3)(a) of this section" is incorrect. RCW 28B.117.030(3)(a) was apparently intended.

(5) Sections 6 through 16 of this act amend numerous sections in chapter 29A.92 RCW to replace references to "chapter 113, Laws of 2018" with "this chapter."

(6) Section 18 of this act amends RCW 41.50.033 to remove unnecessary subsection references for a defined term.

(7) Sections 20 through 22 of this act merge double amendments created when sections were amended without cognizance of amendments made in previous years.

(8) Section 23 of this act corrects five references to "emergency volunteer health practitioner" in RCW 70.15.110(1). Reference to "volunteer health practitioner" was apparently intended.

(9) Section 24 of this act corrects an apparent error in RCW 70.305.010 (4) and (5). The reference to RCW 43.216.141 appears erroneous. RCW 43.216.157 was apparently intended.

(10) Section 25 of this act amends RCW 74.13.029 to reflect multiple changes in subsection numbering of a cross-referenced section.

(11) Section 26 of this act adds a definition section to chapter 74.14B RCW to clarify that, pursuant to RCW 43.216.906, "department" refers to the department of children, youth, and families, rather than the department of social and health services." [2019 c 64 § 1.]

**1.20.120 State arboretum.** The Washington park arboretum is hereby designated as an official arboretum of the state of Washington. [1995 c 82 § 2.]

**Findings—1995 c 82:** "The legislature finds that the arboreta in this state act as living museums devoted to the display and conservation of woody plant species from around the world that can grow in the Pacific Northwest. Arboreta enhance public appreciation for the aesthetic diversity of temperate woody plants; conserve both natural and cultivated woody plant taxa to preserve their diversity for future appreciation; educate the public and students concerning urban landscape use and the natural biology of temperate woody plants; and cooperate with similar institutions in this region and around the world in achieving these common goals. The legislature further finds that arboreta are of increasing importance as world biodiversity declines.

The Washington park arboretum is a two hundred acre living museum that is managed cooperatively by the city of Seattle and the University of Washington. It is devoted to the display and conservation of collections of plants from around the world which can grow in the Pacific Northwest. These plants are used for education, research, conservation, and a sense of public pleasure. The Washington park arboretum, the oldest center for botanical and gardening learning in the Pacific Northwest, is recognized as one of the two foremost collections of woody plants in the United States of America and enjoys an excellent international reputation. The legislature finds that it is fitting and appropriate to recognize the importance of the overall mission of the Washington park arboretum." [1995 c 82 § 1.]

**1.20.130 Preferred terminology in government documents.** (1) All state and local government statutes, codes, rules, regulations, and other official documents enacted after July 1, 2002, are required to use the term "Asian" when referring to persons of Asian descent. The use of the term "Oriental" is prohibited.

(2) The legislature urges all state and local entities to review their statutes, codes, rules, regulations, and other official documents and revise them to omit the use of the term "Oriental" when referring to persons of Asian descent. [2002 c 307 § 2.]

**Finding—2002 c 307:** "The legislature finds that the use of the term "Oriental" when used to refer to persons of Asian descent is outdated and pejorative. There is a need to make clear that the term "Asian" is preferred terminology, and that this more modern and nonpejorative term must be used to replace outdated terminology." [2002 c 307 § 1.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**1.20.140 State vegetable.** The Walla Walla sweet onion is designated as the official vegetable of the state of Washington. [2007 c 137 § 1.]

**1.20.150 State amphibian.** The Pacific chorus frog, *Pseudacris regilla*, is hereby designated as the official amphibian of the state of Washington. [2007 c 224 § 1.]

**1.20.160 State ship.** The Lady Washington is hereby designated as the official ship of the state of Washington. [2007 c 351 § 1.]

(2021 Ed.)

**1.20.170 State waterfall.** Palouse falls is hereby designated as the official waterfall of the state of Washington. [2014 c 41 § 2.]

**Findings—2014 c 41:** "(1) The tourist industry is a vital part of the state's economy. Palouse falls has visitors numbering averaging over eighty thousand to one hundred thousand per year. The falls drop one hundred ninety-eight feet identifying them as the last remaining year-round waterfalls left by the ice age floods.

(2) Palouse falls was named sixth on the top ten best United States waterfalls list, tenth on the list of the world's most amazing waterfalls, and the site of the world record-breaking kayak drop.

(3) Palouse falls surrounding area is the location for the oldest documented remains found in the western hemisphere; home of the Palouse Native American culture; birthplace of the Appaloosa horse; and documented in Lewis and Clark's journals." [2014 c 41 § 1.]

**1.20.180 State oyster.** The *Ostrea lurida* is hereby designated the official oyster of the state of Washington. This native oyster species plays an important role in the history and culture that surrounds shellfish in Washington state and along the west coast of the United States. Some of the common and historic names used for this species are Native, Western, Shoalwater, and Olympia. [2014 c 146 § 2.]

**Finding—2014 c 146:** "The *Ostrea lurida* is the only oyster native to Washington state." [2014 c 146 § 1.]

**1.20.190 Purple heart state.** Washington state is designated a purple heart state that honors people who have received the purple heart award. [2021 c 213 § 2.]

**Findings—2021 c 213:** "(1) Washington state is grateful to be home to multitudes of United States armed forces members, veterans, and their families that have made the choice to protect freedom and our country.

(2) The purple heart medal is the oldest United States military decoration, dating back to 1782 when our state's namesake general George Washington created the badge of military merit to recognize heroic acts by his troops during the revolutionary war. Based on this example, the purple heart medal was created on George Washington's two hundredth birthday, February 22, 1932, and was made available for recognition of meritorious acts that occurred during World War I.

(3) Elizabeth Will designed the award to be a heart shaped medal with a profile image of general Washington that hangs from a purple ribbon.

(4) The purple heart medal is now presented to those members of the armed services who are killed or wounded in action as the result of an act of an enemy of the United States or in military combat.

(5) The state designated August 7th as purple heart recipient recognition day.

(6) The state offers a distinctive license plate for purple heart recipients.

(7) The state has multiple counties, cities, and locations that recognize portions of the transportation system as part of the purple heart trail.

(8) The designation of Washington as a purple heart state authorizes state agencies to honor purple heart recipients and recognize and proclaim the state as a purple heart state." [2021 c 213 § 1.]

## Chapter 1.40 RCW STATE MEDAL OF MERIT

### Sections

1.40.010	State medal of merit established.
1.40.020	Nominating committee created—Composition—Meeting—Rules.
1.40.030	Delegation of authority to make award.
1.40.040	Posthumous award.
1.40.050	Certain persons prohibited from receiving award.
1.40.060	Appearance of medal—Inscription.

**1.40.010 State medal of merit established.** There is established a decoration of the state medal of merit with accompanying ribbons and appurtenances for award by the governor, in the name of the state, to any person who has

been distinguished by exceptionally meritorious conduct in performing outstanding services to the people and state of Washington, upon the nomination of the governor's state medal of merit committee. [1986 c 92 § 1.]

**1.40.020 Nominating committee created—Composition—Meeting—Rules.** There is created the state medal of merit committee for nominating candidates for the award of the state medal of merit. The committee membership consists of the governor, president of the senate, speaker of the house of representatives, and the chief justice of the supreme court, or their designees. The secretary of state shall serve as a non-voting ex officio member, and shall serve as secretary to the committee. The committee shall meet annually to consider candidates for nomination. The committee shall adopt rules establishing the qualifications for the state medal of merit, the protocol governing the decoration, and the appurtenances necessary to the implementation of this chapter. [1986 c 92 § 2.]

**1.40.030 Delegation of authority to make award.** The governor may delegate the awarding of the state medal of merit to the president of the senate, speaker of the house of representatives, or the chief justice of the supreme court. [1986 c 92 § 3.]

**1.40.040 Posthumous award.** The state medal of merit may be awarded posthumously to be presented to such representative of the deceased as may be deemed appropriate by the governor or the designees specified in RCW 1.40.030. [1986 c 92 § 4.]

**1.40.050 Certain persons prohibited from receiving award.** The state medal of merit shall not be awarded to any elected official while in office or to any candidate for an elected office. [1986 c 92 § 5.]

**1.40.060 Appearance of medal—Inscription.** The decoration of the state medal of merit shall be of bronze and shall consist of the seal of the state of Washington, surrounded by a raised laurel wreath and suspended from a ring attached by a dark green ribbon. The reverse of the decoration within the raised laurel wreath shall be inscribed with the words: "For exceptionally meritorious conduct in performing outstanding services to the people and state of Washington." [1986 c 92 § 6.]

## Chapter 1.50 RCW

### WASHINGTON GIFT OF LIFE AWARD

#### Sections

1.50.005	Findings—Intent.
1.50.006	Findings—Intent.
1.50.010	Definitions.
1.50.030	Washington gift of life award—Presentation.
1.50.040	Appearance of award—Inscription.

**1.50.005 Findings—Intent.** The legislature finds that persons who donate organs help save the lives and promote the well-being of others in a manner that demonstrates the noblest side of human nature. Many families and friends of both the donors and the donees may want to remember the

special act of donation in a way that honors the memory of the donor and encourages donation by others in the future.

To recognize the special kindness of those who donate their organs, the legislature establishes the Washington gift of life award. [1999 c 264 § 1; 1998 c 59 § 1.]

**1.50.006 Findings—Intent.** (1) The legislature finds that eighty-four people died waiting for an organ transplant in Washington state in 2013. The legislature further finds that more than two thousand six hundred people are currently waiting for a lifesaving organ transplant in Washington state. Forty of those patients waiting are under the age of eighteen and more than two hundred of those patients have been waiting for more than five years for their lifesaving gift. The legislature further finds that organ donation is a very rare and precious gift. Less than one percent of all people who die are eligible to donate their organs due to the unique circumstances needed at death to donate organs. Every donor is a critical donation to those waiting.

(2) Therefore, the legislature intends to update the gift of life award to recognize all Washington citizens who have donated critical lifesaving organs. [2015 c 8 § 1.]

**1.50.010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Organ donor" means an individual who makes an anatomical gift of an organ under chapter 68.64 RCW.

(2) "Organ procurement organization" has the same meaning as in RCW 68.64.010. [2015 c 8 § 2; 2008 c 139 § 25; 1998 c 59 § 2.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**1.50.030 Washington gift of life award—Presentation.** (1) The governor's office shall annually present the Washington gift of life award to families of donors who have donated organs in accordance with chapter 68.64 RCW.

Organ procurement organizations may nominate the individuals eligible under this section to represent all those who have donated organs during the previous calendar year and may submit documentation supporting the eligibility of the individuals to the governor's office. If more than one organ procurement organization is involved, they shall coordinate in harmony to designate by consensus the organ procurement organization among them to have primary administrative responsibility under this chapter.

(2) The governor's office shall present the awards on an annual basis to each eligible organ donor's family in coordination with the organ procurement organization. Only one award may be presented to the family of an organ donor.

(3) Organ procurement organizations shall seek permission from the family of organ donors selected to receive the gift of life award to release the name of the organ donor to the governor's office for printing of a gift of life certificate and use at any gift of life ceremonies or events. [2015 c 8 § 3; 1999 c 264 § 2; 1998 c 59 § 4.]

**1.50.040 Appearance of award—Inscription.** The Washington gift of life award shall consist of the seal of the state of Washington and be inscribed with the words: "For the



greatest act of kindness in donating organs to save the lives of others." [2015 c 8 § 4; 1999 c 264 § 3; 1998 c 59 § 5.]

### Chapter 1.60 RCW MEDAL OF VALOR

#### Sections

1.60.010	Medal of valor.
1.60.020	Medal of valor committee.
1.60.030	Award presentation.
1.60.040	Posthumous award.
1.60.050	Hazardous professions excluded.
1.60.060	Appearance of medal and certificate.

**1.60.010 Medal of valor.** There is established a decoration of the state medal of valor with accompanying certificate, ribbons, and appurtenances for award by the governor, in the name of the state, to any person or group of persons who has or have saved, or attempted to save, the life of another at the risk of serious injury or death to himself or herself, upon the selection of the governor's state medal of valor committee. [2015 c 4 § 1; 2000 c 224 § 1.]

**Effective date—2015 c 4:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 2, 2015]." [2015 c 4 § 4.]

**1.60.020 Medal of valor committee.** There is created the state medal of valor committee for selecting honorees for the award of the state medal of valor. The committee membership consists of the governor, president of the senate, speaker of the house of representatives, and the chief justice of the supreme court, or their designees. The secretary of state shall serve as a nonvoting ex officio member, and shall serve as secretary to the committee. The committee shall meet annually to consider candidates for this award. Any individual may nominate any resident or group of residents of this state for any act of valor covered by this section. The committee shall adopt rules establishing the qualifications for the state medal of valor, the protocol governing the decoration, the certificate, and appurtenances necessary to the implementation of this chapter. [2015 c 4 § 2; 2000 c 224 § 2.]

**Effective date—2015 c 4:** See note following RCW 1.60.010.

**1.60.030 Award presentation.** (1) The award will be presented by the governor of the state of Washington to the recipient or recipients only during a joint session of both houses of the legislature.

(2) If the governor is unable to present the award due to the disability or illness of the governor, the governor may delegate the presenting of the award to the president of the senate, the speaker of the house of representatives, or the chief justice of the supreme court. [2015 c 4 § 3; 2000 c 224 § 3.]

**Effective date—2015 c 4:** See note following RCW 1.60.010.

**1.60.040 Posthumous award.** The state medal of valor may be awarded posthumously to be presented to such representative of the deceased as may be deemed appropriate by the committee. [2000 c 224 § 4.]

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**1.60.050 Hazardous professions excluded.** The state medal of valor will not be awarded to any individual who is acting as a result of service given by any branch of law enforcement, firefighting, rescue, or other hazardous profession where the individual is employed by a government entity within the state of Washington. [2000 c 224 § 5.]

**1.60.060 Appearance of medal and certificate.** (1) The decoration of the state medal of valor shall be of .999 pure silver and shall consist of the seal of the state of Washington, surrounded by a raised laurel wreath and suspended from a silver bar device inscribed "For Valor" which is suspended from a ring attached by a dark green ribbon, bordered by silver. The reverse of the decoration within the raised laurel wreath shall be inscribed with the recipient's name and the words: "For exceptionally valorous service, given in the act of saving the life of another."

(2) The certificate accompanying the medal will prominently display: (a) The title, "Washington State Medal of Valor"; (b) the recipient's name; and (c) the phrase, "For exceptionally valorous service, given in the act of saving the life of another." A seven-line citation will also be included on the certificate. [2000 c 224 § 6.]

### Chapter 1.70 RCW UNIFORM ELECTRONIC LEGAL MATERIAL ACT

#### Sections

1.70.010	Definitions.
1.70.020	Applicability.
1.70.030	Legal material in official electronic record.
1.70.040	Authentication of official electronic record.
1.70.050	Effect of authentication.
1.70.060	Preservation and security of legal material in official electronic record.
1.70.070	Public access to legal material in official electronic record.
1.70.080	Standards.
1.70.090	Courts excluded.
1.70.900	Short title.
1.70.901	Uniformity of application and construction.
1.70.902	Relation to electronic signatures in global and national commerce act.
1.70.903	Effective date—2017 c 106.

**1.70.010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(2) "Legal material" means, whether or not in effect:

- The Washington state Constitution;
- The session laws of the state of Washington;
- The Revised Code of Washington;
- A state agency rule that has or had the effect of law;
- The Washington State Register; or
- The Washington Administrative Code.

(3) "Official publisher" means:

- For the Washington state Constitution, the secretary of state;
- For session laws of the state of Washington, the statute law committee;
- For the Revised Code of Washington, the statute law committee;

(d) For a rule published in the Washington State Register, the statute law committee;

(e) For a rule not published in the Washington State Register, the state agency adopting the rule;

(f) For the Washington State Register, the statute law committee; or

(g) For the Washington Administrative Code, the statute law committee.

(4) "Publish" means to display, present, or release to the public, or cause to be displayed, presented, or released to the public, by the official publisher.

(5) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(6) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. [2017 c 106 § 2.]

**1.70.020 Applicability.** (1) Except as provided in subsection (2) of this section, this chapter applies to all legal material in an electronic record that is designated as official under RCW 1.70.030 and first published electronically on or after January 1, 2018.

(2) This chapter applies to issues of the Washington State Register in an official electronic record that were first published on or after May 7, 2008. [2017 c 106 § 3.]

**1.70.030 Legal material in official electronic record.**

(1) If an official publisher publishes legal material only in an electronic record, the publisher shall:

(a) Designate the electronic record as official; and

(b) Comply with RCW 1.70.040, 1.70.060, and 1.70.070.

(2) An official publisher that publishes legal material in an electronic record and also publishes the material in a record other than an electronic record may designate the electronic record as official if the publisher complies with RCW 1.70.040, 1.70.060, and 1.70.070. [2017 c 106 § 4.]

**1.70.040 Authentication of official electronic record.**

An official publisher of legal material in an electronic record that is designated as official under RCW 1.70.030 shall authenticate the record. To authenticate an electronic record, the publisher shall provide a method for a user to determine that the record received by the user from the publisher is unaltered from the official record published by the publisher. [2017 c 106 § 5.]

**1.70.050 Effect of authentication.** (1) Legal material in an electronic record that is authenticated under RCW 1.70.040 is presumed to be an accurate copy of the legal material.

(2) If another state has adopted a law substantially similar to this chapter, legal material in an electronic record that is designated as official and authenticated by the official publisher in that state is presumed to be an accurate copy of the legal material.

(3) A party contesting the authentication of legal material in an electronic record authenticated under RCW 1.70.040 has the burden of proving by a preponderance of the evidence that the record is not authentic. [2017 c 106 § 6.]

**1.70.060 Preservation and security of legal material in official electronic record.** (1) An official publisher of legal material in an electronic record that is or was designated as official under RCW 1.70.030 shall provide for the preservation and security of the record in an electronic form or a form that is not electronic.

(2) If legal material is preserved under subsection (1) of this section in an electronic record, the official publisher shall:

(a) Ensure the integrity of the record;

(b) Provide for backup and disaster recovery of the record; and

(c) Ensure the continuing usability of the material. [2017 c 106 § 7.]

**1.70.070 Public access to legal material in official electronic record.** An official publisher of legal material in an electronic record that is required to be preserved under RCW 1.70.060 shall ensure that the material is reasonably available for use by the public on a permanent basis. [2017 c 106 § 8.]

**1.70.080 Standards.** In implementing this chapter, an official publisher of legal material in an electronic record shall consider:

(1) Standards and practices of other jurisdictions;

(2) The most recent standards regarding authentication of, preservation and security of, and public access to, legal material in an electronic record and other electronic records, as promulgated by national standard-setting bodies;

(3) The needs of users of legal material in an electronic record;

(4) The views of governmental officials and entities and other interested persons; and

(5) To the extent practicable, methods and technologies for the authentication of, preservation and security of, and public access to, legal material which are compatible with the methods and technologies used by other official publishers in this state and in other states that have adopted a law substantially similar to this chapter. [2017 c 106 § 9.]

**1.70.090 Courts excluded.** This chapter does not apply to any court or agency of the judicial branch. [2017 c 106 § 12.]

**1.70.900 Short title.** This chapter may be known and cited as the uniform electronic legal material act. [2017 c 106 § 1.]

**1.70.901 Uniformity of application and construction.** In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it. [2017 c 106 § 10.]

**1.70.902 Relation to electronic signatures in global and national commerce act.** This chapter modifies, limits, and supersedes the electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any

of the notices described in Section 103(b) of that act, 15 U.S.C. Sec. 7003(b). [2017 c 106 § 11.]

**1.70.903 Effective date—2017 c 106.** This act takes effect January 1, 2018. [2017 c 106 § 13.]

### Chapter 1.80 RCW

#### UNIFORM ELECTRONIC TRANSACTIONS ACT

##### Sections

1.80.010	Definitions.
1.80.020	Scope.
1.80.030	Prospective application.
1.80.040	Use of electronic records and electronic signatures—Variation by agreement.
1.80.050	Construction and application.
1.80.060	Legal recognition of electronic records, electronic signatures, and electronic contracts.
1.80.070	Provision of information in writing—Presentation of records.
1.80.080	Attribution and effect of electronic record and electronic signature.
1.80.090	Effect of change or error.
1.80.100	Notarization, acknowledgment, verification, or under oath.
1.80.110	Retention of electronic records—Originals.
1.80.120	Admissibility in evidence.
1.80.130	Automated transaction.
1.80.140	Time and place of sending and receipt.
1.80.150	Transferable records.
1.80.160	Creation and retention of electronic records and conversion of written records by governmental agencies.
1.80.170	Acceptance and distribution of electronic records by governmental agencies.
1.80.180	Consistency and interoperability.
1.80.190	Relation to electronic signatures in global and national commerce act.
1.80.900	Short title.

**1.80.010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agreement" means the bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules, regulations, and procedures given the effect of agreements under laws otherwise applicable to a particular transaction.

(2) "Automated transaction" means a transaction conducted or performed, in whole or in part, by electronic means or electronic records, in which the acts or records of one or both parties are not reviewed by an individual in the ordinary course in forming a contract, performing under an existing contract, or fulfilling an obligation required by the transaction.

(3) "Blockchain" means a cryptographically secured, chronological, and decentralized consensus ledger or consensus database maintained via internet, peer-to-peer network, or other similar interaction.

(4) "Computer program" means a set of statements or instructions to be used directly or indirectly in an information processing system in order to bring about a certain result.

(5) "Contract" means the total legal obligation resulting from the parties' agreement as affected by this chapter and other applicable law.

(6) "Distributed ledger technology" means any distributed ledger protocol and supporting infrastructure, including blockchain, that uses a distributed, decentralized, shared, and replicated ledger.

(7) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromag-

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netic, or similar capabilities, including without limitation blockchain and distributed ledger technology.

(8) "Electronic agent" means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part, without review or action by an individual.

(9) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(10) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(11) "Governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the federal government or of a state or of a county, municipality, or other political subdivision of a state.

(12) "Information" means data, text, images, sounds, codes, computer programs, software, databases, or the like.

(13) "Information processing system" means an electronic system for creating, generating, sending, receiving, storing, displaying, or processing information.

(14) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

(15) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(16) "Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, or callback or other acknowledgment procedures.

(17) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or Alaskan native village, which is recognized by federal law or formally acknowledged by a state.

(18) "Transaction" means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs. [2020 c 57 § 2.]

**1.80.020 Scope.** (1) Except as otherwise provided in subsection (2) of this section, this chapter applies to electronic records and electronic signatures relating to a transaction.

(2) This chapter does not apply to a transaction to the extent it is governed by:

(a) A law governing the creation and execution of wills, codicils, or testamentary trusts; and

(b) Title 62A RCW other than RCW 62A.1-306 and chapters 62A.2 and 62A.2A RCW.

(3) This chapter applies to an electronic record or electronic signature otherwise excluded from the application of

this chapter under subsection (2) of this section to the extent it is governed by a law other than those specified in subsection (2) of this section.

(4) A transaction subject to this chapter is also subject to other applicable substantive law. [2020 c 57 § 3.]

**1.80.030 Prospective application.** This chapter applies to any electronic record or electronic signature created, generated, sent, communicated, received, or stored on or after June 11, 2020. [2020 c 57 § 4.]

**1.80.040 Use of electronic records and electronic signatures—Variation by agreement.** (1) This chapter does not require a record or signature to be created, generated, sent, communicated, received, stored, or otherwise processed or used by electronic means or in electronic form.

(2) This chapter applies only to transactions between parties each of which has agreed to conduct transactions by electronic means. Whether the parties agree to conduct a transaction by electronic means is determined from the context and surrounding circumstances, including the parties' conduct.

(3) A party that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means. The right granted by this subsection may not be waived by agreement.

(4) Except as otherwise provided in this chapter, the effect of any of its provisions may be varied by agreement. The presence in certain provisions of this chapter of the words "unless otherwise agreed," or words of similar import, does not imply that the effect of other provisions may not be varied by agreement.

(5) Whether an electronic record or electronic signature has legal consequences is determined by this chapter and other applicable law. [2020 c 57 § 5.]

**1.80.050 Construction and application.** This chapter must be construed and applied:

(1) To facilitate electronic transactions consistent with other applicable law;

(2) To be consistent with reasonable practices concerning electronic transactions and with the continued expansion of those practices; and

(3) To effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it. [2020 c 57 § 6.]

**1.80.060 Legal recognition of electronic records, electronic signatures, and electronic contracts.** (1) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.

(2) A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.

(3) If a law requires a record to be in writing, an electronic record satisfies the law.

(4) If a law requires a signature, an electronic signature satisfies the law. [2020 c 57 § 7.]

**1.80.070 Provision of information in writing—Presentation of records.** (1) If parties have agreed to conduct a

transaction by electronic means and a law requires a person to provide, send, or deliver information in writing to another person, the requirement is satisfied if the information is provided, sent, or delivered, as the case may be, in an electronic record capable of retention by the recipient at the time of receipt. An electronic record is not capable of retention by the recipient if the sender or its information processing system inhibits the ability of the recipient to print or store the electronic record.

(2) If a law other than this chapter requires a record (a) to be posted or displayed in a certain manner, (b) to be sent, communicated, or transmitted by a specified method, or (c) to contain information that is formatted in a certain manner, the following rules apply:

(i) The record must be posted or displayed in the manner specified in the other law.

(ii) Except as otherwise provided in subsection (4)(b) of this section, the record must be sent, communicated, or transmitted by the method specified in the other law.

(iii) The record must contain the information formatted in the manner specified in the other law.

(3) If a sender inhibits the ability of a recipient to store or print an electronic record, the electronic record is not enforceable against the recipient.

(4) The requirements of this section may not be varied by agreement, but:

(a) To the extent a law other than this chapter requires information to be provided, sent, or delivered in writing but permits that requirement to be varied by agreement, the requirement under subsection (1) of this section that the information be in the form of an electronic record capable of retention may also be varied by agreement; and

(b) A requirement under a law other than this chapter to send, communicate, or transmit a record by regular United States mail may be varied by agreement to the extent permitted by the other law. [2020 c 57 § 8.]

**1.80.080 Attribution and effect of electronic record and electronic signature.** (1) An electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.

(2) The effect of an electronic record or electronic signature attributed to a person under subsection (1) of this section is determined from the context and surrounding circumstances at the time of its creation, execution, or adoption, including the parties' agreement, if any, and otherwise as provided by law. [2020 c 57 § 9.]

**1.80.090 Effect of change or error.** If a change or error in an electronic record occurs in a transmission between parties to a transaction, the following rules apply:

(1) If the parties have agreed to use a security procedure to detect changes or errors and one party has conformed to the procedure, but the other party has not, and the nonconforming party would have detected the change or error had that party also conformed, the conforming party may avoid the effect of the changed or erroneous electronic record.

(2) In an automated transaction involving an individual, the individual may avoid the effect of an electronic record that resulted from an error made by the individual in dealing with the electronic agent of another person if the electronic agent did not provide an opportunity for the prevention or correction of the error and, at the time the individual learns of the error, the individual:

(a) Promptly notifies the other person of the error and that the individual did not intend to be bound by the electronic record received by the other person;

(b) Takes reasonable steps, including steps that conform to the other person's reasonable instructions, to return to the other person or, if instructed by the other person, to destroy the consideration received, if any, as a result of the erroneous electronic record; and

(c) Has not used or received any benefit or value from the consideration, if any, received from the other person.

(3) If neither subsection (1) of this section nor subsection (2) of this section applies, the change or error has the effect provided by other law, including the law of mistake, and the parties' contract, if any.

(4) Subsections (2) and (3) of this section may not be varied by agreement. [2020 c 57 § 10.]

**1.80.100 Notarization, acknowledgment, verification, or under oath.** If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record. [2020 c 57 § 11.]

**1.80.110 Retention of electronic records—Originals.**

(1) If a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information in the record which:

(a) Accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and

(b) Remains accessible for later reference.

(2) A requirement to retain a record in accordance with subsection (1) of this section does not apply to any information the sole purpose of which is to enable the record to be sent, communicated, or received.

(3) A person may satisfy subsection (1) of this section by using the services of another person if the requirements of that subsection are satisfied.

(4) If a law requires a record to be presented or retained in its original form, or provides consequences if the record is not presented or retained in its original form, that law is satisfied by an electronic record retained in accordance with subsection (1) of this section.

(5) If a law requires retention of a check, that requirement is satisfied by retention of an electronic record of the information on the front and back of the check in accordance with subsection (1) of this section.

(6) A record retained as an electronic record in accordance with subsection (1) of this section satisfies a law requiring a person to retain a record for evidentiary, audit, or like purposes, unless a law enacted after June 11, 2020, spe-

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cifically prohibits the use of an electronic record for the specified purpose.

(7) This section does not preclude a governmental agency of this state from specifying additional requirements for the retention of a record subject to the agency's jurisdiction. [2020 c 57 § 12.]

**1.80.120 Admissibility in evidence.** In a proceeding, evidence of a record or signature may not be excluded solely because it is in electronic form. [2020 c 57 § 13.]

**1.80.130 Automated transaction.** In an automated transaction, the following rules apply:

(1) A contract may be formed by the interaction of electronic agents of the parties, even if no individual was aware of or reviewed the electronic agents' actions or the resulting terms and agreements.

(2) A contract may be formed by the interaction of an electronic agent and an individual, acting on the individual's own behalf or for another person, including by an interaction in which the individual performs actions that the individual is free to refuse to perform and which the individual knows or has reason to know will cause the electronic agent to complete the transaction or performance.

(3) The terms of the contract are determined by the substantive law applicable to it. [2020 c 57 § 14.]

**1.80.140 Time and place of sending and receipt.** (1) Unless otherwise agreed between the sender and the recipient, an electronic record is sent when it:

(a) Is addressed properly or otherwise directed properly to an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record;

(b) Is in a form capable of being processed by that system; and

(c) Enters an information processing system outside the control of the sender or of a person that sent the electronic record on behalf of the sender or enters a region of the information processing system designated or used by the recipient which is under the control of the recipient.

(2) Unless otherwise agreed between a sender and the recipient, an electronic record is received when:

(a) It enters an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record; and

(b) It is in a form capable of being processed by that system.

(3) Subsection (2) of this section applies even if the place the information processing system is located is different from the place the electronic record is deemed to be received under subsection (4) of this section.

(4) Unless otherwise expressly provided in the electronic record or agreed between the sender and the recipient, an electronic record is deemed to be sent from the sender's place of business and to be received at the recipient's place of business. For purposes of this subsection, the following rules apply:

(a) If the sender or recipient has more than one place of business, the place of business of that person is the place having the closest relationship to the underlying transaction.

(b) If the sender or the recipient does not have a place of business, the place of business is the sender's or recipient's residence, as the case may be.

(5) An electronic record is received under subsection (2) of this section even if no individual is aware of its receipt.

(6) Receipt of an electronic acknowledgment from an information processing system described in subsection (2) of this section establishes that a record was received but, by itself, does not establish that the content sent corresponds to the content received.

(7) If a person is aware that an electronic record purportedly sent under subsection (1) of this section, or purportedly received under subsection (2) of this section, was not actually sent or received, the legal effect of the sending or receipt is determined by other applicable law. Except to the extent permitted by the other law, the requirements of this subsection may not be varied by agreement. [2020 c 57 § 15.]

**1.80.150 Transferable records.** (1) In this section, "transferable record" means an electronic record that:

(a) Would be a note under chapter 62A.3 RCW or a document under chapter 62A.7 RCW if the electronic record were in writing; and

(b) The issuer of the electronic record expressly has agreed is a transferable record.

(2) A person has control of a transferable record if a system employed for evidencing the transfer of interests in the transferable record reliably establishes that person as the person to which the transferable record was issued or transferred.

(3) A system satisfies subsection (2) of this section, and a person is deemed to have control of a transferable record, if the transferable record is created, stored, and assigned in such a manner that:

(a) A single authoritative copy of the transferable record exists which is unique, identifiable, and, except as otherwise provided in (d), (e), and (f) of this subsection, unalterable;

(b) The authoritative copy identifies the person asserting control as:

(i) The person to which the transferable record was issued; or

(ii) If the authoritative copy indicates that the transferable record has been transferred, the person to which the transferable record was most recently transferred;

(c) The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(d) Copies or revisions that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control;

(e) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(f) Any revision of the authoritative copy is readily identifiable as authorized or unauthorized.

(4) Except as otherwise agreed, a person having control of a transferable record is the holder, as defined in RCW 62A.1-201(b)(21), of the transferable record and has the

same rights and defenses as a holder of an equivalent record or writing under the uniform commercial code including, if the applicable statutory requirements under RCW 62A.3-302(a), 62A.7-501, or 62A.9A-330 are satisfied, the rights and defenses of a holder in due course, a holder to which a negotiable document of title has been duly negotiated, or a purchaser, respectively. Delivery, possession, and endorsement are not required to obtain or exercise any of the rights under this subsection.

(5) Except as otherwise agreed, an obligor under a transferable record has the same rights and defenses as an equivalent obligor under equivalent records or writings under the uniform commercial code.

(6) If requested by a person against which enforcement is sought, the person seeking to enforce the transferable record shall provide reasonable proof that the person is in control of the transferable record. Proof may include access to the authoritative copy of the transferable record and related business records sufficient to review the terms of the transferable record and to establish the identity of the person having control of the transferable record. [2020 c 57 § 16.]

**1.80.160 Creation and retention of electronic records and conversion of written records by governmental agencies.** Each governmental agency of this state shall determine whether, and the extent to which, a governmental agency will create and retain electronic records and convert written records to electronic records. [2020 c 57 § 17.]

**1.80.170 Acceptance and distribution of electronic records by governmental agencies.** (1) Except as otherwise provided in RCW 1.80.110(6), each governmental agency of this state shall determine whether, and the extent to which, a governmental agency will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

(2) To the extent that a governmental agency uses electronic records and electronic signatures under subsection (1) of this section, the governmental agency, giving due consideration to security, may specify:

(a) The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes;

(b) If electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate the process;

(c) Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records; and

(d) Any other required attributes for electronic records which are specified for corresponding nonelectronic records or reasonably necessary under the circumstances.

(3) Except as otherwise provided in RCW 1.80.110(6), this chapter does not require a governmental agency of this state to use or permit the use of electronic records or electronic signatures. [2020 c 57 § 18.]

**1.80.180 Consistency and interoperability.** The governmental agency of this state which adopts standards pursuant to RCW 1.80.170 may encourage and promote consistency and interoperability with similar requirements adopted by other governmental agencies of this and other states and the federal government and nongovernmental persons interacting with governmental agencies of this state. If appropriate, those standards may specify differing levels of standards from which governmental agencies of this state may choose in implementing the most appropriate standard for a particular application. [2020 c 57 § 19.]

**1.80.190 Relation to electronic signatures in global and national commerce act.** This chapter modifies, limits, and supersedes the electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b). [2020 c 57 § 20.]

**1.80.900 Short title.** This chapter may be known and cited as the uniform electronic transactions act. [2020 c 57 § 1.]

