

**SSB 5017** - H COMM AMD

By Committee on Civil Rights & Judiciary

**NOT ADOPTED 04/09/2019**

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 5.50.010 and 2011 c 22 s 2 are each amended to read  
4 as follows:

5 In this chapter:

6 (1) (~~"Boundaries of the United States" means the geographic~~  
7 ~~boundaries of the United States, Puerto Rico, the United States~~  
8 ~~Virgin Islands, and any territory or insular possession subject to~~  
9 ~~the jurisdiction of the United States.~~

10 ~~(2))~~ "Law" includes (~~the federal or a state Constitution,~~) a  
11 (~~federal or state~~) statute, (~~a~~) judicial decision or order, (~~a~~)  
12 rule of court, (~~an~~) executive order, and (~~an~~) administrative  
13 rule, regulation, or order.

14 (~~(3))~~ (2) "Record" means information that is inscribed on a  
15 tangible medium or that is stored in an electronic or other medium  
16 and is retrievable in perceivable form.

17 (~~(4))~~ (3)(a) "Sign" means, with present intent to authenticate  
18 or adopt a record:

19 (~~(a))~~ (i) To execute or adopt a tangible symbol; or

20 (~~(b))~~ (ii) To attach to or logically associate with the record  
21 an electronic symbol, sound, or process.

22 (~~(5) "State" means a state of the United States, the District of~~  
23 ~~Columbia, Puerto Rico, the United States Virgin Islands, or any~~  
24 ~~territory or insular possession subject to the jurisdiction of the~~  
25 ~~United States.~~

26 ~~(6))~~ (b) Subscription to an unsworn declaration by a law  
27 enforcement officer is governed by RCW 9A.72.085.

28 (4) "Sworn declaration" means a declaration in a signed record  
29 given under oath. The term includes a sworn statement, verification,  
30 certificate, and affidavit.

1       ~~((7))~~ (5) "Unsworn declaration" means a declaration in a signed  
2 record ~~((that is))~~ not given under oath~~((7))~~ but ~~((is))~~ given under  
3 penalty of perjury.

4       **Sec. 2.** RCW 5.50.010 and 2011 c 22 s 2 are each amended to read  
5 as follows:

6       In this chapter:

7       (1) ~~(("Boundaries of the United States" means the geographic  
8 boundaries of the United States, Puerto Rico, the United States  
9 Virgin Islands, and any territory or insular possession subject to  
10 the jurisdiction of the United States.~~

11       ~~(2))~~ "Law" includes ~~((the federal or a state Constitution,7))~~ a  
12 ~~((federal or state))~~ statute, ~~((a))~~ judicial decision or order, ~~((a))~~  
13 rule of court, ~~((an))~~ executive order, and ~~((an))~~ administrative  
14 rule, regulation, or order.

15       ~~((3))~~ (2) "Record" means information that is inscribed on a  
16 tangible medium or that is stored in an electronic or other medium  
17 and is retrievable in perceivable form.

18       ~~((4))~~ (3) "Sign" means, with present intent to authenticate or  
19 adopt a record:

20       (a) To execute or adopt a tangible symbol; or

21       (b) To attach to or logically associate with the record an  
22 electronic symbol, sound, or process.

23       ~~((5) "State" means a state of the United States, the District of  
24 Columbia, Puerto Rico, the United States Virgin Islands, or any  
25 territory or insular possession subject to the jurisdiction of the  
26 United States.~~

27       ~~(6))~~ (4) "Sworn declaration" means a declaration in a signed  
28 record given under oath. The term includes a sworn statement,  
29 verification, certificate, and affidavit.

30       ~~((7))~~ (5) "Unsworn declaration" means a declaration in a signed  
31 record ~~((that is))~~ not given under oath~~((7))~~ but ~~((is))~~ given under  
32 penalty of perjury.

33       **Sec. 3.** RCW 5.50.020 and 2011 c 22 s 3 are each amended to read  
34 as follows:

35       This chapter applies to an unsworn declaration by a declarant who  
36 at the time of making the declaration is physically located within or  
37 outside the boundaries of the United States, whether or not the  
38 location is subject to the jurisdiction of the United States. ~~((This~~

1 ~~chapter does not apply to a declaration by a declarant who is~~  
2 ~~physically located on property that is within the boundaries of the~~  
3 ~~United States and subject to the jurisdiction of another country or a~~  
4 ~~federally recognized Indian tribe.)~~)

5 **Sec. 4.** RCW 5.50.050 and 2011 c 22 s 6 are each amended to read  
6 as follows:

7 An unsworn declaration under this chapter must be in  
8 substantially the following form:

9 I declare under penalty of perjury under the law of Washington  
10 that the foregoing is true and correct(~~(, and that I am physically~~  
11 ~~located outside the geographic boundaries of the United States,~~  
12 ~~Puerto Rico, the United States Virgin Islands, and any territory or~~  
13 ~~insular possession subject to the jurisdiction of the United~~  
14 ~~States))~~).

15 ((~~Executed~~)) Signed on the . . . . day of . . . . ., . . . . ,  
16 (date) (month) (year)  
17 at . . . . .((~~, . . . . .~~))  
18 (city or other location, and state or country) ((~~country~~))  
19 . . . . .  
20 (printed name)  
21 . . . . .  
22 (signature)

23 **Sec. 5.** RCW 5.50.900 and 2011 c 22 s 1 are each amended to read  
24 as follows:

25 This chapter may be cited as the uniform unsworn ((~~foreign~~))  
26 declarations act.

27 **Sec. 6.** RCW 5.50.901 and 2011 c 22 s 7 are each amended to read  
28 as follows:

29 In applying and construing this uniform act and chapter,  
30 consideration must be given to the need to promote uniformity of the  
31 law with respect to its subject matter among states that enact it.

32 **Sec. 7.** RCW 9A.72.085 and 2014 c 93 s 4 are each amended to read  
33 as follows:

1       ~~((1) Whenever, under any law of this state or under any rule,~~  
2 ~~order, or requirement made under the law of this state, any matter in~~  
3 ~~an official proceeding is required or permitted to be supported,~~  
4 ~~evidenced, established, or proved by a person's sworn written~~  
5 ~~statement, declaration, verification, certificate, oath, or~~  
6 ~~affidavit, the matter may with like force and effect be supported,~~  
7 ~~evidenced, established, or proved in the official proceeding by an~~  
8 ~~unsworn written statement, declaration, verification, or certificate,~~  
9 ~~which:~~

10       ~~(a) Recites that it is certified or declared by the person to be~~  
11 ~~true under penalty of perjury;~~

12       ~~(b) Is subscribed by the person;~~

13       ~~(c) States the date and place of its execution; and~~

14       ~~(d) States that it is so certified or declared under the laws of~~  
15 ~~the state of Washington.~~

16       ~~(2) The certification or declaration may be in substantially the~~  
17 ~~following form:~~

18                               ~~"I certify (or declare) under penalty of perjury under~~  
19                               ~~the laws of the State of Washington that the foregoing is~~  
20                               ~~true and correct".~~

21                               ~~.....~~       ~~.....~~  
22                               ~~(Date and Place)~~                       ~~(Signature)~~

23       ~~(3) For purposes of this section, a person subscribes to an~~  
24 ~~unsworn written statement, declaration, verification, or certificate~~  
25 ~~by:~~

26       ~~(a) Affixing or placing his or her signature as defined in RCW~~  
27 ~~9A.04.110 on the document;~~

28       ~~(b) Attaching or logically associating his or her digital~~  
29 ~~signature or electronic signature as defined in RCW 19.34.020 to the~~  
30 ~~document;~~

31       ~~(c) Affixing or logically associating his or her signature in the~~  
32 ~~manner described in general rule 30 to the document if he or she is a~~  
33 ~~licensed attorney; or~~

34       ~~(d) Affixing or logically associating his or her full name,~~  
35 ~~department or agency, and badge or personnel number to any document~~  
36 ~~that is electronically submitted to a court, a prosecutor, or a~~  
37 ~~magistrate from an electronic device that is owned, issued, or~~

1 maintained by a criminal justice agency if he or she is a law  
2 enforcement officer.

3 ~~(4) This section does not apply to writings requiring an  
4 acknowledgment, depositions, oaths of office, or oaths required to be  
5 taken before a special official other than a notary public.)~~

6 Whenever any matter may be supported, evidenced, established, or  
7 proved in an official proceeding by an unsworn written statement,  
8 declaration, verification, or certificate, a law enforcement officer  
9 may sign an unsworn written statement, declaration, verification, or  
10 certificate by affixing or logically associating his or her full  
11 name, department or agency, and badge or personnel number to any  
12 document that is electronically submitted to a court, a prosecutor,  
13 or a magistrate from an electronic device that is owned, issued, or  
14 maintained by a criminal justice agency.

#### 15 CONFORMING AMENDMENTS

16 **Sec. 8.** RCW 7.64.020 and 2004 c 74 s 1 are each amended to read  
17 as follows:

18 (1) At the time of filing the complaint or any time thereafter,  
19 the plaintiff may apply to the judge or court commissioner to issue  
20 an order directing the defendant to appear and show cause why an  
21 order putting the plaintiff in immediate possession of the personal  
22 property should not be issued.

23 (2) In support of the application, the plaintiff, or someone on  
24 the plaintiff's behalf, shall make an affidavit, or a declaration as  
25 permitted under (~~RCW 9A.72.085~~) chapter 5.50 RCW, showing:

26 (a) That the plaintiff is the owner of the property or is  
27 lawfully entitled to the possession of the property by virtue of a  
28 special property interest, including a security interest,  
29 specifically describing the property and interest;

30 (b) That the property is wrongfully detained by defendant;

31 (c) That the property has not been taken for a tax, assessment,  
32 or fine pursuant to a statute and has not been seized under an  
33 execution or attachment against the property of the plaintiff, or if  
34 so seized, that it is by law exempt from such seizure; and

35 (d) The approximate value of the property.

36 (3) The order to show cause shall state the date, time, and place  
37 of the hearing and contain a notice to the defendant that failure to  
38 promptly turn over possession of the property to the plaintiff or the

1 sheriff, if an order awarding possession is issued under RCW  
2 7.64.035(1), may subject the defendant to being held in contempt of  
3 court.

4 (4) A certified copy of the order to show cause, with a copy of  
5 the plaintiff's affidavit or declaration attached, shall be served  
6 upon the defendant no later than five days before the hearing date.

7 **Sec. 9.** RCW 7.70.065 and 2017 c 275 s 1 are each amended to read  
8 as follows:

9 (1) Informed consent for health care for a patient who is not  
10 competent, as defined in RCW 11.88.010(1)(e), to consent may be  
11 obtained from a person authorized to consent on behalf of such  
12 patient.

13 (a) Persons authorized to provide informed consent to health care  
14 on behalf of a patient who is not competent to consent, based upon a  
15 reason other than incapacity as defined in RCW 11.88.010(1)(d), shall  
16 be a member of one of the following classes of persons in the  
17 following order of priority:

18 (i) The appointed guardian of the patient, if any;

19 (ii) The individual, if any, to whom the patient has given a  
20 durable power of attorney that encompasses the authority to make  
21 health care decisions;

22 (iii) The patient's spouse or state registered domestic partner;

23 (iv) Children of the patient who are at least eighteen years of  
24 age;

25 (v) Parents of the patient; and

26 (vi) Adult brothers and sisters of the patient.

27 (b) If the health care provider seeking informed consent for  
28 proposed health care of the patient who is not competent to consent  
29 under RCW 11.88.010(1)(e), other than a person determined to be  
30 incapacitated because he or she is under the age of majority and who  
31 is not otherwise authorized to provide informed consent, makes  
32 reasonable efforts to locate and secure authorization from a  
33 competent person in the first or succeeding class and finds no such  
34 person available, authorization may be given by any person in the  
35 next class in the order of descending priority. However, no person  
36 under this section may provide informed consent to health care:

37 (i) If a person of higher priority under this section has refused  
38 to give such authorization; or

1 (ii) If there are two or more individuals in the same class and  
2 the decision is not unanimous among all available members of that  
3 class.

4 (c) Before any person authorized to provide informed consent on  
5 behalf of a patient not competent to consent under RCW  
6 11.88.010(1)(e), other than a person determined to be incapacitated  
7 because he or she is under the age of majority and who is not  
8 otherwise authorized to provide informed consent, exercises that  
9 authority, the person must first determine in good faith that that  
10 patient, if competent, would consent to the proposed health care. If  
11 such a determination cannot be made, the decision to consent to the  
12 proposed health care may be made only after determining that the  
13 proposed health care is in the patient's best interests.

14 (2) Informed consent for health care, including mental health  
15 care, for a patient who is not competent, as defined in RCW  
16 11.88.010(1)(e), because he or she is under the age of majority and  
17 who is not otherwise authorized to provide informed consent, may be  
18 obtained from a person authorized to consent on behalf of such a  
19 patient.

20 (a) Persons authorized to provide informed consent to health  
21 care, including mental health care, on behalf of a patient who is  
22 incapacitated, as defined in RCW 11.88.010(1)(e), because he or she  
23 is under the age of majority and who is not otherwise authorized to  
24 provide informed consent, shall be a member of one of the following  
25 classes of persons in the following order of priority:

26 (i) The appointed guardian, or legal custodian authorized  
27 pursuant to Title 26 RCW, of the minor patient, if any;

28 (ii) A person authorized by the court to consent to medical care  
29 for a child in out-of-home placement pursuant to chapter 13.32A or  
30 13.34 RCW, if any;

31 (iii) Parents of the minor patient;

32 (iv) The individual, if any, to whom the minor's parent has given  
33 a signed authorization to make health care decisions for the minor  
34 patient; and

35 (v) A competent adult representing himself or herself to be a  
36 relative responsible for the health care of such minor patient or a  
37 competent adult who has signed and dated a declaration under penalty  
38 of perjury pursuant to (~~RCW 9A.72.085~~) chapter 5.50 RCW stating  
39 that the adult person is a relative responsible for the health care

1 of the minor patient. Such declaration shall be effective for up to  
2 six months from the date of the declaration.

3 (b) (i) Informed consent for health care on behalf of a patient  
4 who is incapacitated, as defined in RCW 11.88.010(1)(e), because he  
5 or she is under the age of majority and who is not otherwise  
6 authorized to provide informed consent may be obtained from a school  
7 nurse, school counselor, or homeless student liaison when:

8 (A) Consent is necessary for nonemergency, outpatient, primary  
9 care services, including physical examinations, vision examinations  
10 and eyeglasses, dental examinations, hearing examinations and hearing  
11 aids, immunizations, treatments for illnesses and conditions, and  
12 routine follow-up care customarily provided by a health care provider  
13 in an outpatient setting, excluding elective surgeries;

14 (B) The minor patient meets the definition of a "homeless child  
15 or youth" under the federal McKinney-Vento homeless education  
16 assistance improvements act of 2001, P.L. 107-110, January 8, 2002,  
17 115 Stat. 2005; and

18 (C) The minor patient is not under the supervision or control of  
19 a parent, custodian, or legal guardian, and is not in the care and  
20 custody of the department of social and health services.

21 (ii) A person authorized to consent to care under this subsection  
22 (2)(b) and the person's employing school or school district are not  
23 subject to administrative sanctions or civil damages resulting from  
24 the consent or nonconsent for care, any care, or payment for any  
25 care, rendered pursuant to this section. Nothing in this section  
26 prevents a health care facility or a health care provider from  
27 seeking reimbursement from other sources for care provided to a minor  
28 patient under this subsection (2)(b).

29 (iii) Upon request by a health care facility or a health care  
30 provider, a person authorized to consent to care under this  
31 subsection (2)(b) must provide to the person rendering care a  
32 declaration signed and dated under penalty of perjury pursuant to  
33 (~~RCW 9A.72.085~~) chapter 5.50 RCW stating that the person is a  
34 school nurse, school counselor, or homeless student liaison and that  
35 the minor patient meets the elements under (b)(i) of this subsection.  
36 The declaration must also include written notice of the exemption  
37 from liability under (b)(ii) of this subsection.

38 (c) A health care provider may, but is not required to, rely on  
39 the representations or declaration of a person claiming to be a  
40 relative responsible for the care of the minor patient, under (a)(v)



1 of this subsection, or a person claiming to be authorized to consent  
2 to the health care of the minor patient under (b) of this subsection,  
3 if the health care provider does not have actual notice of the  
4 falsity of any of the statements made by the person claiming to be a  
5 relative responsible for the health care of the minor patient, or  
6 person claiming to be authorized to consent to the health care of the  
7 minor patient.

8 (d) A health care facility or a health care provider may, in its  
9 discretion, require documentation of a person's claimed status as  
10 being a relative responsible for the health care of the minor  
11 patient, or a person claiming to be authorized to consent to the  
12 health care of the minor patient under (b) of this subsection.  
13 However, there is no obligation to require such documentation.

14 (e) The health care provider or health care facility where  
15 services are rendered shall be immune from suit in any action, civil  
16 or criminal, or from professional or other disciplinary action when  
17 such reliance is based on a declaration signed under penalty of  
18 perjury pursuant to (~~RCW 9A.72.085~~) chapter 5.50 RCW stating that  
19 the adult person is a relative responsible for the health care of the  
20 minor patient under (a)(v) of this subsection, or a person claiming  
21 to be authorized to consent to the health care of the minor patient  
22 under (b) of this subsection.

23 (3) For the purposes of this section, "health care," "health care  
24 provider," and "health care facility" shall be defined as established  
25 in RCW 70.02.010.

26 **Sec. 10.** RCW 9A.04.030 and 1999 c 349 s 1 are each amended to  
27 read as follows:

28 The following persons are liable to punishment:

29 (1) A person who commits in the state any crime, in whole or in  
30 part.

31 (2) A person who commits out of the state any act which, if  
32 committed within it, would be theft and is afterward found in the  
33 state with any of the stolen property.

34 (3) A person who being out of the state, counsels, causes,  
35 procures, aids, or abets another to commit a crime in this state.

36 (4) A person who, being out of the state, abducts or kidnaps by  
37 force or fraud, any person, contrary to the laws of the place where  
38 the act is committed, and brings, sends, or conveys such person into  
39 this state.

1 (5) A person who commits an act without the state which affects  
2 persons or property within the state, which, if committed within the  
3 state, would be a crime.

4 (6) A person who, being out of the state, makes a statement,  
5 declaration, verification, or certificate under ((RCW 9A.72.085))  
6 chapter 5.50 RCW which, if made within the state, would be perjury.

7 (7) A person who commits an act onboard a conveyance within the  
8 state of Washington, including the airspace over the state of  
9 Washington, that subsequently lands, docks, or stops within the state  
10 which, if committed within the state, would be a crime.

11 **Sec. 11.** RCW 9A.72.010 and 2001 c 171 s 2 are each amended to  
12 read as follows:

13 The following definitions are applicable in this chapter unless  
14 the context otherwise requires:

15 (1) "Materially false statement" means any false statement oral  
16 or written, regardless of its admissibility under the rules of  
17 evidence, which could have affected the course or outcome of the  
18 proceeding; (~~whether a false statement is material shall be~~  
19 ~~determined by the court as a matter of law;~~)

20 (2) "Oath" includes an affirmation and every other mode  
21 authorized by law of attesting to the truth of that which is stated;  
22 in this chapter, written statements shall be treated as if made under  
23 oath if:

24 (a) The statement was made on or pursuant to instructions on an  
25 official form bearing notice, authorized by law, to the effect that  
26 false statements made therein are punishable;

27 (b) The statement recites that it was made under oath, the  
28 declarant was aware of such recitation at the time he or she made the  
29 statement, intended that the statement should be represented as a  
30 sworn statement, and the statement was in fact so represented by its  
31 delivery or utterance with the signed jurat of an officer authorized  
32 to administer oaths appended thereto; or

33 (c) It is a statement, declaration, verification, or certificate,  
34 made within or outside the state of Washington, which is certified or  
35 declared to be true under penalty of perjury as provided in ((RCW  
36 9A.72.085)) chapter 5.50 RCW.

37 (3) An oath is "required or authorized by law" when the use of  
38 the oath is specifically provided for by statute or regulatory

1 provision or when the oath is administered by a person authorized by  
2 state or federal law to administer oaths;

3 (4) "Official proceeding" means a proceeding heard before any  
4 legislative, judicial, administrative, or other government agency or  
5 official authorized to hear evidence under oath, including any  
6 referee, hearing examiner, commissioner, notary, or other person  
7 taking testimony or depositions;

8 (5) "Juror" means any person who is a member of any jury,  
9 including a grand jury, impaneled by any court of this state or by  
10 any public servant authorized by law to impanel a jury; the term  
11 juror also includes any person who has been drawn or summoned to  
12 attend as a prospective juror;

13 (6) "Testimony" includes oral or written statements, documents,  
14 or any other material that may be offered by a witness in an official  
15 proceeding.

16 **Sec. 12.** RCW 10.25.065 and 1981 c 187 s 4 are each amended to  
17 read as follows:

18 Perjury committed outside of the state of Washington in a  
19 statement, declaration, verification, or certificate authorized by  
20 (~~RCW 9A.72.085~~) chapter 5.50 RCW is punishable in the county in  
21 this state in which occurs the act, transaction, matter, action, or  
22 proceeding, in relation to which the statement, declaration,  
23 verification, or certification was given or made.

24 **Sec. 13.** RCW 11.96A.250 and 2013 c 272 s 21 are each amended to  
25 read as follows:

26 (1)(a) Any party or the parent of a minor or unborn party may  
27 petition the court for the appointment of a special representative to  
28 represent a party: (i) Who is a minor; (ii) who is incapacitated  
29 without an appointed guardian of his or her estate; (iii) who is yet  
30 unborn or unascertained; or (iv) whose identity or address is  
31 unknown. The petition may be heard by the court without notice.

32 (b) In appointing the special representative the court shall give  
33 due consideration and deference to any nomination(s) made in the  
34 petition, the special skills required in the representation, and the  
35 need for a representative who will act independently and prudently.  
36 The nomination of a person as special representative by the  
37 petitioner and the person's willingness to serve as special  
38 representative are not grounds by themselves for finding a lack of

1 independence, however, the court may consider any interests that the  
2 nominating party may have in the estate or trust in making the  
3 determination.

4 (c) The special representative may enter into a binding agreement  
5 on behalf of the person or beneficiary. The special representative  
6 may be appointed for more than one person or class of persons if the  
7 interests of such persons or class are not in conflict. The petition  
8 must be verified. The petition and order appointing the special  
9 representative may be in the following form:

10 CAPTION PETITION FOR APPOINTMENT  
11 OF CASE OF SPECIAL REPRESENTATIVE  
12 UNDER RCW 11.96A.250

13 The undersigned petitioner petitions the court for the  
14 appointment of a special representative in accordance with RCW  
15 11.96A.250 and shows the court as follows:

16 1. Petitioner. Petitioner . . . [is the qualified and presently  
17 acting (personal representative) (trustee) of the above (estate)  
18 (trust) having been named (personal representative) (trustee) under  
19 (describe will and reference probate order or describe trust  
20 instrument)] or [is the (describe relationship of the petitioner to  
21 the party to be represented or to the matter at issue)].

22 2. Matter. A question concerning . . . has arisen as to (describe  
23 issue, for example: Related to interpretation, construction,  
24 administration, distribution). The issue is a matter as defined in  
25 RCW 11.96A.030 and is appropriate for determination under RCW  
26 11.96A.210 through 11.96A.250.

27 3. Party/Parties to be Represented. This matter involves (include  
28 description of asset(s) and related beneficiaries and/or interested  
29 parties). Resolution of this matter will require the involvement  
30 of . . . . . (name of person or class of persons), who is/are  
31 (minors), (incapacitated and without an appointed guardian), (unborn  
32 or unascertained) (whose identity or address is unknown).

33 4. Special Representative. The nominated special  
34 representative . . . is a lawyer licensed to practice before the  
35 courts of this state or an individual with special skill or training  
36 in the administration of estates or trusts. The nominated special  
37 representative does not have an interest in the matter and is not  
38 related to any person interested in the matter. The nominated special

1 representative is willing to serve. The petitioner has no reason to  
2 believe that the nominated special representative will not act in an  
3 independent and prudent manner and in the best interests of the  
4 represented parties. (It is recommended that the petitioner also  
5 include information specifying the particular skills of the nominated  
6 special representative that relate to the matter in issue.)

7 5. Resolution. Petitioner desires to achieve a resolution of the  
8 questions that have arisen in this matter. Petitioner believes that  
9 proceeding in accordance with the procedures permitted under RCW  
10 11.96A.210 through 11.96A.250 would be in the best interests of the  
11 parties, including the party requiring a special representative.

12 6. Request of Court. Petitioner requests that . . . . . an  
13 attorney licensed to practice in the State of Washington,

14 (OR)

15 . . . . . an individual with special skill or training in the  
16 administration of estates or trusts

17 be appointed special representative for . . . (describe party or  
18 parties being represented), who is/are (minors), (incapacitated and  
19 without an appointed guardian), (unborn or unascertained) (whose  
20 identity or address is unknown), as provided under RCW 11.96A.250.

21 DATED this . . . day of . . . . ., . . . . .

22 . . . . .  
23 (Petitioner)

24 VERIFICATION

25 I certify under penalty of perjury under the laws of the state of  
26 Washington that the foregoing is true and correct.

27 DATED . . . . ., (~~20--~~)            (year), at . . . . .,  
28 Washington.

29 . . . . .  
30 (Petitioner or other person  
31 having knowledge)

32 CAPTION PETITION FOR APPOINTMENT  
33 OF CASE OF SPECIAL REPRESENTATIVE  
34 UNDER RCW 11.96A.250

1 THIS MATTER having come on for hearing before this Court on  
2 Petition for Appointment of Special Representative filed herein, and  
3 it appearing that it would be in the best interests of the parties  
4 related to the matter described in the Petition to appoint a special  
5 representative to address the issues that have arisen in the matter  
6 and the Court finding that the facts stated in the Petition are true,  
7 now, therefore,

8 IT IS ORDERED that . . . is appointed under RCW 11.96A.250 as  
9 special representative (describe party or parties being represented)  
10 who is/are (minors), (incapacitated and without an appointed  
11 guardian), (unborn or unascertained) (whose identity or address is  
12 unknown), to represent their respective interests in the matter as  
13 provided in RCW 11.96A.250. The special representative shall be  
14 discharged of responsibility with respect to the matter as provided  
15 in RCW 11.96A.250. The special representative is discharged of  
16 responsibility with respect to the matter at such time as a written  
17 agreement is executed resolving the present issues, all as provided  
18 in that statute, or if an agreement is not reached within six months  
19 from entry of this Order, the special representative appointed under  
20 this Order is discharged of responsibility, subject to subsequent  
21 reappointment under RCW 11.96A.250.

22 DONE IN OPEN COURT this . . . day of . . . . ., . . . . .

23 . . . . .

24 JUDGE/COURT COMMISSIONER

25 (2) Upon appointment by the court, the special representative  
26 must file a certification made under penalty of perjury in accordance  
27 with (~~RCW 9A.72.085~~) chapter 5.50 RCW that he or she (a) is not  
28 interested in the matter; (b) is not related to any person interested  
29 in the matter; (c) is willing to serve; and (d) will act  
30 independently, prudently, and in the best interests of the  
31 represented parties.

32 (3) The special representative must be a lawyer licensed to  
33 practice before the courts of this state or an individual with  
34 special skill or training in the administration of estates or trusts.  
35 The special representative may not have an interest in the matter,  
36 and may not be related to a person interested in the matter. The  
37 special representative is entitled to reasonable compensation for

1 services that must be paid from the principal of an asset involved in  
2 the matter.

3 (4) The special representative is discharged from any  
4 responsibility and will have no further duties with respect to the  
5 matter or with respect to any party, on the earlier of: (a) The  
6 expiration of six months from the date the special representative was  
7 appointed unless the order appointing the special representative  
8 provides otherwise, or (b) the execution of the written agreement by  
9 all parties or their virtual representatives. Any action against a  
10 special representative must be brought within the time limits  
11 provided by RCW 11.96A.070(3)(c)(i).

12 **Sec. 14.** RCW 18.104.093 and 1993 c 387 s 13 are each amended to  
13 read as follows:

14 The department may issue a water well construction operator's  
15 training license if the person:

16 (1) Has submitted a completed application to the department on  
17 forms provided by the department and has paid to the department the  
18 application fee required by rules adopted pursuant to this chapter;

19 (2) Has acquired field experience and educational training  
20 required by rules adopted pursuant to this chapter;

21 (3) Has passed a written examination as provided for in RCW  
22 18.104.080;

23 (4) Has passed an on-site examination by the department; and

24 (5) Presents a statement by a person licensed under this chapter,  
25 other than a trainee, signed under penalty of perjury as provided in  
26 (~~RCW 9A.72.085~~) chapter 5.50 RCW, verifying that the applicant has  
27 the field experience required by rules adopted pursuant to this  
28 chapter and assuming liability for any and all well construction  
29 activities of the person seeking the training license.

30 A person with a water well construction operator's training  
31 license may operate a drilling rig without the direct supervision of  
32 a licensed operator if a licensed operator is available by radio,  
33 telephone, or other means of communication.

34 **Sec. 15.** RCW 18.104.097 and 1993 c 387 s 15 are each amended to  
35 read as follows:

36 The department may issue a resource protection well operator's  
37 training license if the person:

1 (1) Has submitted a completed application to the department on  
2 forms provided by the department and has paid to the department the  
3 application fee required by rules adopted pursuant to this chapter;

4 (2) Has acquired field experience and educational training  
5 required by rules adopted pursuant to this chapter;

6 (3) Has passed a written examination as provided for in RCW  
7 18.104.080;

8 (4) Has passed an on-site examination by the department; and

9 (5) Presents a statement by a person licensed under this chapter,  
10 other than a trainee, signed under penalty of perjury as provided in  
11 (~~RCW 9A.72.085~~) chapter 5.50 RCW, verifying that the applicant has  
12 the field experience required by rules adopted pursuant to this  
13 chapter and assuming liability for any and all well construction  
14 activities of the person seeking the training license.

15 A person with a resource protection well construction operator's  
16 training license may operate a drilling rig without direct  
17 supervision of a licensed operator if a licensed operator is  
18 accessible by radio, telephone, or other means of communication.

19 **Sec. 16.** RCW 39.04.350 and 2018 c 243 s 1 are each amended to  
20 read as follows:

21 (1) Before award of a public works contract, a bidder must meet  
22 the following responsibility criteria to be considered a responsible  
23 bidder and qualified to be awarded a public works project. The bidder  
24 must:

25 (a) At the time of bid submittal, have a certificate of  
26 registration in compliance with chapter 18.27 RCW;

27 (b) Have a current state unified business identifier number;

28 (c) If applicable, have industrial insurance coverage for the  
29 bidder's employees working in Washington as required in Title 51 RCW;  
30 an employment security department number as required in Title 50 RCW;  
31 and a state excise tax registration number as required in Title 82  
32 RCW;

33 (d) Not be disqualified from bidding on any public works contract  
34 under RCW 39.06.010 or 39.12.065(3);

35 (e) If bidding on a public works project subject to the  
36 apprenticeship utilization requirements in RCW 39.04.320, not have  
37 been found out of compliance by the Washington state apprenticeship  
38 and training council for working apprentices out of ratio, without  
39 appropriate supervision, or outside their approved work processes as



1 outlined in their standards of apprenticeship under chapter 49.04 RCW  
2 for the one-year period immediately preceding the date of the bid  
3 solicitation;

4 (f) Have received training on the requirements related to public  
5 works and prevailing wage under this chapter and chapter 39.12 RCW.  
6 The bidder must designate a person or persons to be trained on these  
7 requirements. The training must be provided by the department of  
8 labor and industries or by a training provider whose curriculum is  
9 approved by the department. The department, in consultation with the  
10 prevailing wage advisory committee, must determine the length of the  
11 training. Bidders that have completed three or more public works  
12 projects and have had a valid business license in Washington for  
13 three or more years are exempt from this subsection. The department  
14 of labor and industries must keep records of entities that have  
15 satisfied the training requirement or are exempt and make the records  
16 available on its web site. Responsible parties may rely on the  
17 records made available by the department regarding satisfaction of  
18 the training requirement or exemption; and

19 (g) Within the three-year period immediately preceding the date  
20 of the bid solicitation, not have been determined by a final and  
21 binding citation and notice of assessment issued by the department of  
22 labor and industries or through a civil judgment entered by a court  
23 of limited or general jurisdiction to have willfully violated, as  
24 defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or  
25 49.52 RCW.

26 (2) Before award of a public works contract, a bidder shall  
27 submit to the contracting agency a signed statement in accordance  
28 with (~~RCW 9A.72.085~~) chapter 5.50 RCW verifying under penalty of  
29 perjury that the bidder is in compliance with the responsible bidder  
30 criteria requirement of subsection (1)(g) of this section. A  
31 contracting agency may award a contract in reasonable reliance upon  
32 such a sworn statement.

33 (3) In addition to the bidder responsibility criteria in  
34 subsection (1) of this section, the state or municipality may adopt  
35 relevant supplemental criteria for determining bidder responsibility  
36 applicable to a particular project which the bidder must meet.

37 (a) Supplemental criteria for determining bidder responsibility,  
38 including the basis for evaluation and the deadline for appealing a  
39 determination that a bidder is not responsible, must be provided in  
40 the invitation to bid or bidding documents.

1 (b) In a timely manner before the bid submittal deadline, a  
2 potential bidder may request that the state or municipality modify  
3 the supplemental criteria. The state or municipality must evaluate  
4 the information submitted by the potential bidder and respond before  
5 the bid submittal deadline. If the evaluation results in a change of  
6 the criteria, the state or municipality must issue an addendum to the  
7 bidding documents identifying the new criteria.

8 (c) If the bidder fails to supply information requested  
9 concerning responsibility within the time and manner specified in the  
10 bid documents, the state or municipality may base its determination  
11 of responsibility upon any available information related to the  
12 supplemental criteria or may find the bidder not responsible.

13 (d) If the state or municipality determines a bidder to be not  
14 responsible, the state or municipality must provide, in writing, the  
15 reasons for the determination. The bidder may appeal the  
16 determination within the time period specified in the bidding  
17 documents by presenting additional information to the state or  
18 municipality. The state or municipality must consider the additional  
19 information before issuing its final determination. If the final  
20 determination affirms that the bidder is not responsible, the state  
21 or municipality may not execute a contract with any other bidder  
22 until two business days after the bidder determined to be not  
23 responsible has received the final determination.

24 (4) The capital projects advisory review board created in RCW  
25 39.10.220 shall develop suggested guidelines to assist the state and  
26 municipalities in developing supplemental bidder responsibility  
27 criteria. The guidelines must be posted on the board's web site.

28 **Sec. 17.** RCW 39.26.160 and 2017 c 258 s 3 are each amended to  
29 read as follows:

30 (1)(a) After bids that are submitted in response to a competitive  
31 solicitation process are reviewed by the awarding agency, the  
32 awarding agency may:

33 (i) Reject all bids and rebid or cancel the competitive  
34 solicitation;

35 (ii) Request best and final offers from responsive and  
36 responsible bidders; or

37 (iii) Award the purchase or contract to the lowest responsive and  
38 responsible bidder.

1 (b) The agency may award one or more contracts from a competitive  
2 solicitation.

3 (2) In determining whether the bidder is a responsible bidder,  
4 the agency must consider the following elements:

5 (a) The ability, capacity, and skill of the bidder to perform the  
6 contract or provide the service required;

7 (b) The character, integrity, reputation, judgment, experience,  
8 and efficiency of the bidder;

9 (c) Whether the bidder can perform the contract within the time  
10 specified;

11 (d) The quality of performance of previous contracts or services;

12 (e) The previous and existing compliance by the bidder with laws  
13 relating to the contract or services;

14 (f) Whether, within the three-year period immediately preceding  
15 the date of the bid solicitation, the bidder has been determined by a  
16 final and binding citation and notice of assessment issued by the  
17 department of labor and industries or through a civil judgment  
18 entered by a court of limited or general jurisdiction to have  
19 willfully violated, as defined in RCW 49.48.082, any provision of  
20 chapter 49.46, 49.48, or 49.52 RCW; and

21 (g) Such other information as may be secured having a bearing on  
22 the decision to award the contract.

23 (3) In determining the lowest responsive and responsible bidder,  
24 an agency may consider best value criteria, including but not limited  
25 to:

26 (a) Whether the bid satisfies the needs of the state as specified  
27 in the solicitation documents;

28 (b) Whether the bid encourages diverse contractor participation;

29 (c) Whether the bid provides competitive pricing, economies, and  
30 efficiencies;

31 (d) Whether the bid considers human health and environmental  
32 impacts;

33 (e) Whether the bid appropriately weighs cost and noncost  
34 considerations; and

35 (f) Life-cycle cost.

36 (4) The solicitation document must clearly set forth the  
37 requirements and criteria that the agency will apply in evaluating  
38 bid submissions. Before award of a contract, a bidder shall submit to  
39 the contracting agency a signed statement in accordance with ((RCW  
40 ~~9A.72.085~~)) chapter 5.50 RCW verifying under penalty of perjury that

1 the bidder is in compliance with the responsible bidder criteria  
2 requirement of subsection (2)(f) of this section. A contracting  
3 agency may award a contract in reasonable reliance upon such a sworn  
4 statement.

5 (5) The awarding agency may at its discretion reject the bid of  
6 any contractor who has failed to perform satisfactorily on a previous  
7 contract with the state.

8 (6) After reviewing all bid submissions, an agency may enter into  
9 negotiations with the lowest responsive and responsible bidder in  
10 order to determine if the bid may be improved. An agency may not use  
11 this negotiation opportunity to permit a bidder to change a  
12 nonresponsive bid into a responsive bid.

13 (7) The procuring agency must enter into the state's enterprise  
14 vendor registration and bid notification system the name of each  
15 bidder and an indication as to the successful bidder.

16 **Sec. 18.** RCW 46.09.320 and 2016 c 84 s 2 are each amended to  
17 read as follows:

18 (1) The application for a certificate of title of an off-road  
19 vehicle must be made by the owner or owner's representative to the  
20 department, county auditor or other agent, or subagent appointed by  
21 the director on a form furnished or approved by the department and  
22 must contain:

23 (a) A description of the off-road vehicle, including make, model,  
24 vehicle identification number or engine serial number if no vehicle  
25 identification number exists, type of body, and model year of the  
26 vehicle;

27 (b) The name and address of the person who is the registered  
28 owner of the off-road vehicle and, if the off-road vehicle is subject  
29 to a security interest, the name and address of the secured party;  
30 and

31 (c) Other information the department may require.

32 (2) The application for a certificate of title must be signed by  
33 the person applying to be the registered owner and be sworn to by  
34 that person in the manner described under (~~RCW 9A.72.085~~) chapter  
35 5.50 RCW.

36 (3) The owner must pay the fee established under RCW 46.17.100.

37 (4) Issuance of the certificate of title does not qualify the  
38 off-road vehicle for registration under chapter 46.16A RCW.

1       **Sec. 19.** RCW 46.12.530 and 2017 c 147 s 3 are each amended to  
2 read as follows:

3       (1) The application for a certificate of title of a vehicle must  
4 be made by the owner or owner's representative to the department,  
5 county auditor or other agent, or subagent appointed by the director  
6 on a form furnished or approved by the department and must contain:

7       (a) A description of the vehicle, including make, model, vehicle  
8 identification number, type of body, and the odometer reading at the  
9 time of delivery of the vehicle;

10       (b) The name and address of the person who is to be the  
11 registered owner of the vehicle and, if the vehicle is subject to a  
12 security interest, the name and address of the secured party; and

13       (c) Other information the department may require.

14       (2) The department may require additional information and a  
15 physical examination of the vehicle or of any class of vehicles, or  
16 either.

17       (3) The application for a certificate of title must be signed by  
18 the person applying to be the registered owner and be sworn to by  
19 that person in the manner described under (~~RCW 9A.72.085~~) chapter  
20 5.50 RCW. The department shall keep the application in the original,  
21 computer, or photostatic form.

22       (4) The application for an original certificate of title must be  
23 accompanied by:

24       (a) A draft, money order, certified bank check, or cash for all  
25 fees and taxes due for the application for certificate of title; and

26       (b) The most recent certificate of title or other satisfactory  
27 evidence of ownership.

28       (5) Once issued, a certificate of title is not subject to  
29 renewal.

30       (6) Whenever any person, after applying for or receiving a  
31 certificate of title, moves from the address named in the application  
32 or in the certificate of title issued to him or her, or changes his  
33 or her name of record, the person shall, within ten days thereafter,  
34 notify the department of the name or address change as provided in  
35 RCW 46.08.195.

36       **Sec. 20.** RCW 46.12.555 and 2014 c 12 s 1 are each amended to  
37 read as follows:

38       (1) The application for a quick title of a vehicle must be  
39 submitted by the owner or the owner's representative to the

1 department, participating county auditor or other agent, or subagent  
2 appointed by the director on a form furnished or approved by the  
3 department and must contain:

4 (a) A description of the vehicle, including make, model, vehicle  
5 identification number, type of body, and the odometer reading at the  
6 time of delivery of the vehicle, when required;

7 (b) The name and address of the person who is to be the  
8 registered owner of the vehicle and, if the vehicle is subject to a  
9 security interest, the name and address of the secured party; and

10 (c) Other information as may be required by the department.

11 (2) The application for a quick title must be signed by the  
12 person applying to be the registered owner and be sworn to by that  
13 person in the manner described under (~~RCW 9A.72.085~~) chapter 5.50  
14 RCW. The department must keep a copy of the application.

15 (3) The application for a quick title must be accompanied by:

16 (a) All fees and taxes due for an application for a certificate  
17 of title, including a quick title service fee under RCW 46.17.160;  
18 and

19 (b) The most recent certificate of title or other satisfactory  
20 evidence of ownership.

21 (4) All applications for quick title must meet the requirements  
22 established by the department.

23 (5) For the purposes of this section, "quick title" means a  
24 certificate of title printed at the time of application.

25 (6) The quick title process authorized under this section may not  
26 be used to obtain the first title issued to a vehicle previously  
27 designated as a salvage vehicle as defined in RCW 46.04.514.

28 (7) A subagent may process a quick title under this section in  
29 accordance with rules adopted by the department.

30 **Sec. 21.** RCW 46.16A.435 and 2011 c 121 s 3 are each amended to  
31 read as follows:

32 (1) The department shall establish a declaration subject to the  
33 requirements of (~~RCW 9A.72.085~~) chapter 5.50 RCW, which must be  
34 submitted by an off-road motorcycle owner when applying for on-road  
35 registration of the off-road motorcycle. In order to be registered  
36 for on-road use, an off-road motorcycle must travel on two wheels  
37 with a seat designed to be straddled by the operator and with  
38 handlebar-type steering control.

1 (2) Registration for on-road use of an off-road motorcycle is  
2 prohibited for dune buggies, snowmobiles, trimobiles, mopeds, pocket  
3 bikes, motor vehicles registered by the department, side-by-sides,  
4 utility vehicles, grey-market vehicles, off-road three-wheeled  
5 vehicles, and, as determined by the department, any other vehicles  
6 that were not originally certified by the manufacturer for use on  
7 public roads.

8 (3) The declaration must include the following:

9 (a) Documentation of a safety inspection to be completed by a  
10 licensed motorcycle dealer or repair shop in the state of Washington  
11 that must outline the vehicle information and certify that all off-  
12 road to on-road motorcycle equipment as required under RCW 46.61.705  
13 meets the requirements outlined in state and federal law;

14 (b) Documentation that the licensed motorcycle dealer or repair  
15 shop did not charge more than one hundred dollars per safety  
16 inspection and that the entire safety inspection fee is paid directly  
17 and only to the licensed motorcycle dealer or repair shop;

18 (c) A statement that the licensed motorcycle dealer or repair  
19 shop is entitled to the full amount charged for the motorcycle safety  
20 inspection;

21 (d) A vehicle identification number verification that must be  
22 completed by a licensed motorcycle dealer or repair shop in the state  
23 of Washington; and

24 (e) A release signed by the owner of the off-road motorcycle and  
25 verified by the department, county auditor or other agent, or  
26 subagent appointed by the director that releases the state from any  
27 liability and outlines that the owner understands that the original  
28 off-road motorcycle was not manufactured for on-road use and that it  
29 has been modified for use on public roads.

30 (4) The department must track off-road motorcycles in a separate  
31 registration category for reporting purposes.

32 **Sec. 22.** RCW 46.20.308 and 2016 c 203 s 15 are each amended to  
33 read as follows:

34 (1) Any person who operates a motor vehicle within this state is  
35 deemed to have given consent, subject to the provisions of RCW  
36 46.61.506, to a test or tests of his or her breath for the purpose of  
37 determining the alcohol concentration in his or her breath if  
38 arrested for any offense where, at the time of the arrest, the  
39 arresting officer has reasonable grounds to believe the person had

1 been driving or was in actual physical control of a motor vehicle  
2 while under the influence of intoxicating liquor or any drug or was  
3 in violation of RCW 46.61.503.

4 (2) The test or tests of breath shall be administered at the  
5 direction of a law enforcement officer having reasonable grounds to  
6 believe the person to have been driving or in actual physical control  
7 of a motor vehicle within this state while under the influence of  
8 intoxicating liquor or any drug or the person to have been driving or  
9 in actual physical control of a motor vehicle while having alcohol in  
10 a concentration in violation of RCW 46.61.503 in his or her system  
11 and being under the age of twenty-one. Prior to administering a  
12 breath test pursuant to this section, the officer shall inform the  
13 person of his or her right under this section to refuse the breath  
14 test, and of his or her right to have additional tests administered  
15 by any qualified person of his or her choosing as provided in RCW  
16 46.61.506. The officer shall warn the driver, in substantially the  
17 following language, that:

18 (a) If the driver refuses to take the test, the driver's license,  
19 permit, or privilege to drive will be revoked or denied for at least  
20 one year; and

21 (b) If the driver refuses to take the test, the driver's refusal  
22 to take the test may be used in a criminal trial; and

23 (c) If the driver submits to the test and the test is  
24 administered, the driver's license, permit, or privilege to drive  
25 will be suspended, revoked, or denied for at least ninety days if:

26 (i) The driver is age twenty-one or over and the test indicates  
27 either that the alcohol concentration of the driver's breath is 0.08  
28 or more; or

29 (ii) The driver is under age twenty-one and the test indicates  
30 either that the alcohol concentration of the driver's breath is 0.02  
31 or more; or

32 (iii) The driver is under age twenty-one and the driver is in  
33 violation of RCW 46.61.502 or 46.61.504; and

34 (d) If the driver's license, permit, or privilege to drive is  
35 suspended, revoked, or denied the driver may be eligible to  
36 immediately apply for an ignition interlock driver's license.

37 (3) If, following his or her arrest and receipt of warnings under  
38 subsection (2) of this section, the person arrested exercises the  
39 right, granted herein, by refusing upon the request of a law



1 enforcement officer to submit to a test or tests of his or her  
2 breath, no test shall be given except as otherwise authorized by law.

3 (4) Nothing in subsection (1), (2), or (3) of this section  
4 precludes a law enforcement officer from obtaining a person's blood  
5 to test for alcohol, marijuana, or any drug, pursuant to a search  
6 warrant, a valid waiver of the warrant requirement, when exigent  
7 circumstances exist, or under any other authority of law. Any blood  
8 drawn for the purpose of determining the person's alcohol, marijuana  
9 levels, or any drug, is drawn pursuant to this section when the  
10 officer has reasonable grounds to believe that the person is in  
11 physical control or driving a vehicle under the influence or in  
12 violation of RCW 46.61.503.

13 (5) If, after arrest and after any other applicable conditions  
14 and requirements of this section have been satisfied, a test or tests  
15 of the person's blood or breath is administered and the test results  
16 indicate that the alcohol concentration of the person's breath or  
17 blood is 0.08 or more, or the THC concentration of the person's blood  
18 is 5.00 or more, if the person is age twenty-one or over, or that the  
19 alcohol concentration of the person's breath or blood is 0.02 or  
20 more, or the THC concentration of the person's blood is above 0.00,  
21 if the person is under the age of twenty-one, or the person refuses  
22 to submit to a test, the arresting officer or other law enforcement  
23 officer at whose direction any test has been given, or the  
24 department, where applicable, if the arrest results in a test of the  
25 person's blood, shall:

26 (a) Serve notice in writing on the person on behalf of the  
27 department of its intention to suspend, revoke, or deny the person's  
28 license, permit, or privilege to drive as required by subsection (6)  
29 of this section;

30 (b) Serve notice in writing on the person on behalf of the  
31 department of his or her right to a hearing, specifying the steps he  
32 or she must take to obtain a hearing as provided by subsection (7) of  
33 this section;

34 (c) Serve notice in writing that the license or permit, if any,  
35 is a temporary license that is valid for thirty days from the date of  
36 arrest or from the date notice has been given in the event notice is  
37 given by the department following a blood test, or until the  
38 suspension, revocation, or denial of the person's license, permit, or  
39 privilege to drive is sustained at a hearing pursuant to subsection  
40 (7) of this section, whichever occurs first. No temporary license is

1 valid to any greater degree than the license or permit that it  
2 replaces; and

3 (d) Immediately notify the department of the arrest and transmit  
4 to the department within seventy-two hours, except as delayed as the  
5 result of a blood test, a sworn report or report under a declaration  
6 authorized by (~~RCW 9A.72.085~~) chapter 5.50 RCW that states:

7 (i) That the officer had reasonable grounds to believe the  
8 arrested person had been driving or was in actual physical control of  
9 a motor vehicle within this state while under the influence of  
10 intoxicating liquor or drugs, or both, or was under the age of  
11 twenty-one years and had been driving or was in actual physical  
12 control of a motor vehicle while having an alcohol or THC  
13 concentration in violation of RCW 46.61.503;

14 (ii) That after receipt of any applicable warnings required by  
15 subsection (2) of this section the person refused to submit to a test  
16 of his or her breath, or a test was administered and the results  
17 indicated that the alcohol concentration of the person's breath or  
18 blood was 0.08 or more, or the THC concentration of the person's  
19 blood was 5.00 or more, if the person is age twenty-one or over, or  
20 that the alcohol concentration of the person's breath or blood was  
21 0.02 or more, or the THC concentration of the person's blood was  
22 above 0.00, if the person is under the age of twenty-one; and

23 (iii) Any other information that the director may require by  
24 rule.

25 (6) The department of licensing, upon the receipt of a sworn  
26 report or report under a declaration authorized by (~~RCW 9A.72.085~~)  
27 chapter 5.50 RCW under subsection (5)(d) of this section, shall  
28 suspend, revoke, or deny the person's license, permit, or privilege  
29 to drive or any nonresident operating privilege, as provided in RCW  
30 46.20.3101, such suspension, revocation, or denial to be effective  
31 beginning thirty days from the date of arrest or from the date notice  
32 has been given in the event notice is given by the department  
33 following a blood test, or when sustained at a hearing pursuant to  
34 subsection (7) of this section, whichever occurs first.

35 (7) A person receiving notification under subsection (5)(b) of  
36 this section may, within seven days after the notice has been given,  
37 request in writing a formal hearing before the department. The person  
38 shall pay a fee of three hundred seventy-five dollars as part of the  
39 request. If the request is mailed, it must be postmarked within seven  
40 days after receipt of the notification. Upon timely receipt of such a

1 request for a formal hearing, including receipt of the required three  
2 hundred seventy-five dollar fee, the department shall afford the  
3 person an opportunity for a hearing. The department may waive the  
4 required three hundred seventy-five dollar fee if the person is an  
5 indigent as defined in RCW 10.101.010. Except as otherwise provided  
6 in this section, the hearing is subject to and shall be scheduled and  
7 conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing  
8 shall be conducted in the county of the arrest, except that all or  
9 part of the hearing may, at the discretion of the department, be  
10 conducted by telephone or other electronic means. The hearing shall  
11 be held within thirty days, excluding Saturdays, Sundays, and legal  
12 holidays, following the date of timely receipt of such request for a  
13 formal hearing before the department or thirty days, excluding  
14 Saturdays, Sundays, and legal holidays following the date notice has  
15 been given in the event notice is given by the department following a  
16 blood test, unless otherwise agreed to by the department and the  
17 person, in which case the action by the department shall be stayed,  
18 and any valid temporary license under subsection (5) of this section  
19 extended, if the person is otherwise eligible for licensing. Unless  
20 otherwise agreed to by the department and the person, the department  
21 must give five days notice of the hearing to the person. For the  
22 purposes of this section, the scope of the hearing shall cover the  
23 issues of whether a law enforcement officer had reasonable grounds to  
24 believe the person had been driving or was in actual physical control  
25 of a motor vehicle within this state while under the influence of  
26 intoxicating liquor or any drug or had been driving or was in actual  
27 physical control of a motor vehicle within this state while having  
28 alcohol in his or her system in a concentration of 0.02 or more, or  
29 THC in his or her system in a concentration above 0.00, if the person  
30 was under the age of twenty-one, whether the person was placed under  
31 arrest, and (a) whether the person refused to submit to the test or  
32 tests upon request of the officer after having been informed that  
33 such refusal would result in the revocation of the person's license,  
34 permit, or privilege to drive, or (b) if a test or tests were  
35 administered, whether the applicable requirements of this section  
36 were satisfied before the administration of the test or tests,  
37 whether the person submitted to the test or tests, or whether a test  
38 was administered pursuant to a search warrant, a valid waiver of the  
39 warrant requirement, when exigent circumstances exist, or under any  
40 other authority of law as permitted under this section, and whether

1 the test or tests indicated that the alcohol concentration of the  
2 person's breath or blood was 0.08 or more, or the THC concentration  
3 of the person's blood was 5.00 or more, if the person was age twenty-  
4 one or over at the time of the arrest, or that the alcohol  
5 concentration of the person's breath or blood was 0.02 or more, or  
6 the THC concentration of the person's blood was above 0.00, if the  
7 person was under the age of twenty-one at the time of the arrest.  
8 Where a person is found to be in actual physical control of a motor  
9 vehicle while under the influence of intoxicating liquor or any drug  
10 or was under the age of twenty-one at the time of the arrest and was  
11 in physical control of a motor vehicle while having alcohol in his or  
12 her system in a concentration of 0.02 or THC concentration above  
13 0.00, the person may petition the hearing officer to apply the  
14 affirmative defense found in RCW 46.61.504(3) and 46.61.503(2). The  
15 driver has the burden to prove the affirmative defense by a  
16 preponderance of the evidence. The sworn report or report under a  
17 declaration authorized by (~~RCW 9A.72.085~~) chapter 5.50 RCW  
18 submitted by a law enforcement officer is prima facie evidence that  
19 the officer had reasonable grounds to believe the person had been  
20 driving or was in actual physical control of a motor vehicle within  
21 this state while under the influence of intoxicating liquor or drugs,  
22 or both, or the person had been driving or was in actual physical  
23 control of a motor vehicle within this state while having alcohol in  
24 his or her system in a concentration of 0.02 or more, or THC in his  
25 or her system in a concentration above 0.00, and was under the age of  
26 twenty-one and that the officer complied with the requirements of  
27 this section.

28 A hearing officer shall conduct the hearing, may issue subpoenas  
29 for the attendance of witnesses and the production of documents, and  
30 shall administer oaths to witnesses. The hearing officer shall not  
31 issue a subpoena for the attendance of a witness at the request of  
32 the person unless the request is accompanied by the fee required by  
33 RCW 5.56.010 for a witness in district court. The sworn report or  
34 report under a declaration authorized by (~~RCW 9A.72.085~~) chapter  
35 5.50 RCW of the law enforcement officer and any other evidence  
36 accompanying the report shall be admissible without further  
37 evidentiary foundation and the certifications authorized by the  
38 criminal rules for courts of limited jurisdiction shall be admissible  
39 without further evidentiary foundation. The person may be represented  
40 by counsel, may question witnesses, may present evidence, and may

1 testify. The department shall order that the suspension, revocation,  
2 or denial either be rescinded or sustained.

3 (8) If the suspension, revocation, or denial is sustained after  
4 such a hearing, the person whose license, privilege, or permit is  
5 suspended, revoked, or denied has the right to file a petition in the  
6 superior court of the county of arrest to review the final order of  
7 revocation by the department in the same manner as an appeal from a  
8 decision of a court of limited jurisdiction. Notice of appeal must be  
9 filed within thirty days after the date the final order is served or  
10 the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ  
11 1.1, or other statutes or rules referencing de novo review, the  
12 appeal shall be limited to a review of the record of the  
13 administrative hearing. The appellant must pay the costs associated  
14 with obtaining the record of the hearing before the hearing officer.  
15 The filing of the appeal does not stay the effective date of the  
16 suspension, revocation, or denial. A petition filed under this  
17 subsection must include the petitioner's grounds for requesting  
18 review. Upon granting petitioner's request for review, the court  
19 shall review the department's final order of suspension, revocation,  
20 or denial as expeditiously as possible. The review must be limited to  
21 a determination of whether the department has committed any errors of  
22 law. The superior court shall accept those factual determinations  
23 supported by substantial evidence in the record: (a) That were  
24 expressly made by the department; or (b) that may reasonably be  
25 inferred from the final order of the department. The superior court  
26 may reverse, affirm, or modify the decision of the department or  
27 remand the case back to the department for further proceedings. The  
28 decision of the superior court must be in writing and filed in the  
29 clerk's office with the other papers in the case. The court shall  
30 state the reasons for the decision. If judicial relief is sought for  
31 a stay or other temporary remedy from the department's action, the  
32 court shall not grant such relief unless the court finds that the  
33 appellant is likely to prevail in the appeal and that without a stay  
34 the appellant will suffer irreparable injury. If the court stays the  
35 suspension, revocation, or denial it may impose conditions on such  
36 stay.

37 (9) (a) If a person whose driver's license, permit, or privilege  
38 to drive has been or will be suspended, revoked, or denied under  
39 subsection (6) of this section, other than as a result of a breath  
40 test refusal, and who has not committed an offense for which he or

1 she was granted a deferred prosecution under chapter 10.05 RCW,  
2 petitions a court for a deferred prosecution on criminal charges  
3 arising out of the arrest for which action has been or will be taken  
4 under subsection (6) of this section, or notifies the department of  
5 licensing of the intent to seek such a deferred prosecution, then the  
6 license suspension or revocation shall be stayed pending entry of the  
7 deferred prosecution. The stay shall not be longer than one hundred  
8 fifty days after the date charges are filed, or two years after the  
9 date of the arrest, whichever time period is shorter. If the court  
10 stays the suspension, revocation, or denial, it may impose conditions  
11 on such stay. If the person is otherwise eligible for licensing, the  
12 department shall issue a temporary license, or extend any valid  
13 temporary license under subsection (5) of this section, for the  
14 period of the stay. If a deferred prosecution treatment plan is not  
15 recommended in the report made under RCW 10.05.050, or if treatment  
16 is rejected by the court, or if the person declines to accept an  
17 offered treatment plan, or if the person violates any condition  
18 imposed by the court, then the court shall immediately direct the  
19 department to cancel the stay and any temporary license or extension  
20 of a temporary license issued under this subsection.

21 (b) A suspension, revocation, or denial imposed under this  
22 section, other than as a result of a breath test refusal, shall be  
23 stayed if the person is accepted for deferred prosecution as provided  
24 in chapter 10.05 RCW for the incident upon which the suspension,  
25 revocation, or denial is based. If the deferred prosecution is  
26 terminated, the stay shall be lifted and the suspension, revocation,  
27 or denial reinstated. If the deferred prosecution is completed, the  
28 stay shall be lifted and the suspension, revocation, or denial  
29 canceled.

30 (c) The provisions of (b) of this subsection relating to a stay  
31 of a suspension, revocation, or denial and the cancellation of any  
32 suspension, revocation, or denial do not apply to the suspension,  
33 revocation, denial, or disqualification of a person's commercial  
34 driver's license or privilege to operate a commercial motor vehicle.

35 (10) When it has been finally determined under the procedures of  
36 this section that a nonresident's privilege to operate a motor  
37 vehicle in this state has been suspended, revoked, or denied, the  
38 department shall give information in writing of the action taken to  
39 the motor vehicle administrator of the state of the person's  
40 residence and of any state in which he or she has a license.

1       **Sec. 23.** RCW 46.20.720 and 2017 c 336 s 5 are each amended to  
2 read as follows:

3       (1) **Ignition interlock restriction.** The department shall require  
4 that a person may drive only a motor vehicle equipped with a  
5 functioning ignition interlock device:

6       (a) **Pretrial release.** Upon receipt of notice from a court that an  
7 ignition interlock device restriction has been imposed under RCW  
8 10.21.055;

9       (b) **Ignition interlock driver's license.** As required for issuance  
10 of an ignition interlock driver's license under RCW 46.20.385;

11       (c) **Deferred prosecution.** Upon receipt of notice from a court  
12 that the person is participating in a deferred prosecution program  
13 under RCW 10.05.020 for a violation of:

14       (i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance;  
15 or

16       (ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance  
17 if the person would be required under RCW 46.61.5249(4) or  
18 46.61.500(3) (a) or (b) to install an ignition interlock device on  
19 all vehicles operated by the person in the event of a conviction;

20       (d) **Post conviction.** After any applicable period of suspension,  
21 revocation, or denial of driving privileges:

22       (i) Due to a conviction of a violation of RCW 46.61.502 or  
23 46.61.504 or an equivalent local or out-of-state statute or  
24 ordinance; or

25       (ii) Due to a conviction of a violation of RCW 46.61.5249 or  
26 46.61.500 or an equivalent local ordinance if the person is required  
27 under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an  
28 ignition interlock device on all vehicles operated by the person; or

29       (e) **Court order.** Upon receipt of an order by a court having  
30 jurisdiction that a person charged or convicted of any offense  
31 involving the use, consumption, or possession of alcohol while  
32 operating a motor vehicle may drive only a motor vehicle equipped  
33 with a functioning ignition interlock. The court shall establish a  
34 specific calibration setting at which the ignition interlock will  
35 prevent the vehicle from being started. The court shall also  
36 establish the period of time for which ignition interlock use will be  
37 required.

38       (2) **Calibration.** Unless otherwise specified by the court for a  
39 restriction imposed under subsection (1)(e) of this section, the  
40 ignition interlock device shall be calibrated to prevent the motor

1 vehicle from being started when the breath sample provided has an  
2 alcohol concentration of 0.025 or more.

3 (3) **Duration of restriction.** A restriction imposed under:

4 (a) Subsection (1)(a) of this section shall remain in effect  
5 until:

6 (i) The court has authorized the removal of the device under RCW  
7 10.21.055; or

8 (ii) The department has imposed a restriction under subsection  
9 (1)(b), (c), or (d) of this section arising out of the same incident.

10 (b) Subsection (1)(b) of this section remains in effect during  
11 the validity of any ignition interlock driver's license that has been  
12 issued to the person.

13 (c) Subsection (1)(c)(i) or (d)(i) of this section shall be for  
14 no less than:

15 (i) For a person who has not previously been restricted under  
16 this subsection, a period of one year;

17 (ii) For a person who has previously been restricted under (c)(i)  
18 of this subsection, a period of five years;

19 (iii) For a person who has previously been restricted under  
20 (c)(ii) of this subsection, a period of ten years.

21 The restriction of a person who is convicted of a violation of  
22 RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and who  
23 committed the offense while a passenger under the age of sixteen was  
24 in the vehicle shall be extended for an additional six-month period  
25 as required by RCW 46.61.5055(6)(a).

26 (d) Subsection (1)(c)(ii) or (d)(ii) of this section shall be for  
27 a period of no less than six months.

28 (e) Subsection (1)(e) of this section shall remain in effect for  
29 the period of time specified by the court.

30 The period of restriction under (c) and (d) of this subsection  
31 based on incidents occurring on or after June 9, 2016, must be tolled  
32 for any period in which the person does not have an ignition  
33 interlock device installed on a vehicle owned or operated by the  
34 person unless the person receives a determination from the department  
35 that the person is unable to operate an ignition interlock device due  
36 to a physical disability. The department's determination that a  
37 person is unable to operate an ignition interlock device must be  
38 reasonable and be based upon good and substantial evidence. This  
39 determination is subject to review by a court of competent



1 jurisdiction. The department may charge a person seeking a medical  
2 exemption under this subsection a reasonable fee for the assessment.

3 (4) **Requirements for removal.** A restriction imposed under  
4 subsection (1)(c) or (d) of this section shall remain in effect until  
5 the department receives a declaration from the person's ignition  
6 interlock device vendor, in a form provided or approved by the  
7 department, certifying that there have been none of the following  
8 incidents in the one hundred eighty consecutive days prior to the  
9 date of release:

10 (a) Any attempt to start the vehicle with a breath alcohol  
11 concentration of 0.04 or more unless a subsequent test performed  
12 within ten minutes registers a breath alcohol concentration lower  
13 than 0.04 and the digital image confirms the same person provided  
14 both samples;

15 (b) Failure to take any random test unless a review of the  
16 digital image confirms that the vehicle was not occupied by the  
17 driver at the time of the missed test;

18 (c) Failure to pass any random retest with a breath alcohol  
19 concentration of 0.025 or lower unless a subsequent test performed  
20 within ten minutes registers a breath alcohol concentration lower  
21 than 0.025, and the digital image confirms the same person provided  
22 both samples; or

23 (d) Failure of the person to appear at the ignition interlock  
24 device vendor when required for maintenance, repair, calibration,  
25 monitoring, inspection, or replacement of the device.

26 (5) **Day-for-day credit.** (a) The time period during which a person  
27 has an ignition interlock device installed in order to meet the  
28 requirements of subsection (1)(b) of this section shall apply on a  
29 day-for-day basis toward satisfying the period of time the ignition  
30 interlock device restriction is imposed under subsection (1)(c) or  
31 (d) of this section arising out of the same incident.

32 (b) The department must also give the person a day-for-day credit  
33 for any time period, beginning from the date of the incident, during  
34 which the person kept an ignition interlock device installed on all  
35 vehicles the person operates, other than those subject to the  
36 employer exemption under subsection (6) of this section.

37 (c) If the day-for-day credit granted under this subsection  
38 equals or exceeds the period of time the ignition interlock device  
39 restriction is imposed under subsection (1)(c) or (d) of this section  
40 arising out of the same incident, and the person has already met the

1 requirements for removal of the device under subsection (4) of this  
2 section, the department may waive the requirement that a device be  
3 installed or that the person again meet the requirements for removal.

4 (6) **Employer exemption.** (a) Except as provided in (b) of this  
5 subsection, the installation of an ignition interlock device is not  
6 necessary on vehicles owned, leased, or rented by a person's employer  
7 and on those vehicles whose care and/or maintenance is the temporary  
8 responsibility of the employer, and driven at the direction of a  
9 person's employer as a requirement of employment during working  
10 hours. The person must provide the department with a declaration  
11 pursuant to (~~RCW 9A.72.085~~) chapter 5.50 RCW from his or her  
12 employer stating that the person's employment requires the person to  
13 operate a vehicle owned by the employer or other persons during  
14 working hours.

15 (b) The employer exemption does not apply when the employer's  
16 vehicle is assigned exclusively to the restricted driver and used  
17 solely for commuting to and from employment.

18 (7) **Ignition interlock device revolving account.** In addition to  
19 any other costs associated with the use of an ignition interlock  
20 device imposed on the person restricted under this section, the  
21 person shall pay an additional fee of twenty dollars per month.  
22 Payments must be made directly to the ignition interlock company. The  
23 company shall remit the additional fee to the department to be  
24 deposited into the ignition interlock device revolving account,  
25 except that the company may retain twenty-five cents per month of the  
26 additional fee to cover the expenses associated with administering  
27 the fee. The department may waive the monthly fee if the person is  
28 indigent under RCW 10.101.010.

29 (8) **Foreign jurisdiction.** For a person restricted under this  
30 section who is residing outside of the state of Washington, the  
31 department may accept verification of installation of an ignition  
32 interlock device by an ignition interlock company authorized to do  
33 business in the jurisdiction in which the person resides, provided  
34 the device meets any applicable requirements of that jurisdiction.  
35 The department may waive the monthly fee required by subsection (7)  
36 of this section if collection of the fee would be impractical in the  
37 case of a person residing in another jurisdiction.

38 **Sec. 24.** RCW 59.18.030 and 2016 c 66 s 1 are each reenacted and  
39 amended to read as follows:

1 As used in this chapter:

2 (1) "Certificate of inspection" means an unsworn statement,  
3 declaration, verification, or certificate made in accordance with the  
4 requirements of (~~RCW 9A.72.085~~) chapter 5.50 RCW by a qualified  
5 inspector that states that the landlord has not failed to fulfill any  
6 substantial obligation imposed under RCW 59.18.060 that endangers or  
7 impairs the health or safety of a tenant, including (a) structural  
8 members that are of insufficient size or strength to carry imposed  
9 loads with safety, (b) exposure of the occupants to the weather, (c)  
10 plumbing and sanitation defects that directly expose the occupants to  
11 the risk of illness or injury, (d) not providing facilities adequate  
12 to supply heat and water and hot water as reasonably required by the  
13 tenant, (e) providing heating or ventilation systems that are not  
14 functional or are hazardous, (f) defective, hazardous, or missing  
15 electrical wiring or electrical service, (g) defective or hazardous  
16 exits that increase the risk of injury to occupants, and (h)  
17 conditions that increase the risk of fire.

18 (2) "Commercially reasonable manner," with respect to a sale of a  
19 deceased tenant's personal property, means a sale where every aspect  
20 of the sale, including the method, manner, time, place, and other  
21 terms, must be commercially reasonable. If commercially reasonable, a  
22 landlord may sell the tenant's property by public or private  
23 proceedings, by one or more contracts, as a unit or in parcels, and  
24 at any time and place and on any terms.

25 (3) "Comprehensive reusable tenant screening report" means a  
26 tenant screening report prepared by a consumer reporting agency at  
27 the direction of and paid for by the prospective tenant and made  
28 available directly to a prospective landlord at no charge, which  
29 contains all of the following: (a) A consumer credit report prepared  
30 by a consumer reporting agency within the past thirty days; (b) the  
31 prospective tenant's criminal history; (c) the prospective tenant's  
32 eviction history; (d) an employment verification; and (e) the  
33 prospective tenant's address and rental history.

34 (4) "Criminal history" means a report containing or summarizing  
35 (a) the prospective tenant's criminal convictions and pending cases,  
36 the final disposition of which antedates the report by no more than  
37 seven years, and (b) the results of a sex offender registry and  
38 United States department of the treasury's office of foreign assets  
39 control search, all based on at least seven years of address history

1 and alias information provided by the prospective tenant or available  
2 in the consumer credit report.

3 (5) "Designated person" means a person designated by the tenant  
4 under RCW 59.18.590.

5 (6) "Distressed home" has the same meaning as in RCW 61.34.020.

6 (7) "Distressed home conveyance" has the same meaning as in RCW  
7 61.34.020.

8 (8) "Distressed home purchaser" has the same meaning as in RCW  
9 61.34.020.

10 (9) "Dwelling unit" is a structure or that part of a structure  
11 which is used as a home, residence, or sleeping place by one person  
12 or by two or more persons maintaining a common household, including  
13 but not limited to single-family residences and units of multiplexes,  
14 apartment buildings, and mobile homes.

15 (10) "Eviction history" means a report containing or summarizing  
16 the contents of any records of unlawful detainer actions concerning  
17 the prospective tenant that are reportable in accordance with state  
18 law, are lawful for landlords to consider, and are obtained after a  
19 search based on at least seven years of address history and alias  
20 information provided by the prospective tenant or available in the  
21 consumer credit report.

22 (11) "Gang" means a group that: (a) Consists of three or more  
23 persons; (b) has identifiable leadership or an identifiable name,  
24 sign, or symbol; and (c) on an ongoing basis, regularly conspires and  
25 acts in concert mainly for criminal purposes.

26 (12) "Gang-related activity" means any activity that occurs  
27 within the gang or advances a gang purpose.

28 (13) "In danger of foreclosure" means any of the following:

29 (a) The homeowner has defaulted on the mortgage and, under the  
30 terms of the mortgage, the mortgagee has the right to accelerate full  
31 payment of the mortgage and repossess, sell, or cause to be sold the  
32 property;

33 (b) The homeowner is at least thirty days delinquent on any loan  
34 that is secured by the property; or

35 (c) The homeowner has a good faith belief that he or she is  
36 likely to default on the mortgage within the upcoming four months due  
37 to a lack of funds, and the homeowner has reported this belief to:

38 (i) The mortgagee;

39 (ii) A person licensed or required to be licensed under chapter  
40 19.134 RCW;

1 (iii) A person licensed or required to be licensed under chapter  
2 19.146 RCW;

3 (iv) A person licensed or required to be licensed under chapter  
4 18.85 RCW;

5 (v) An attorney-at-law;

6 (vi) A mortgage counselor or other credit counselor licensed or  
7 certified by any federal, state, or local agency; or

8 (vii) Any other party to a distressed property conveyance.

9 (14) "Landlord" means the owner, lessor, or sublessor of the  
10 dwelling unit or the property of which it is a part, and in addition  
11 means any person designated as representative of the owner, lessor,  
12 or sublessor including, but not limited to, an agent, a resident  
13 manager, or a designated property manager.

14 (15) "Mortgage" is used in the general sense and includes all  
15 instruments, including deeds of trust, that are used to secure an  
16 obligation by an interest in real property.

17 (16) "Owner" means one or more persons, jointly or severally, in  
18 whom is vested:

19 (a) All or any part of the legal title to property; or

20 (b) All or part of the beneficial ownership, and a right to  
21 present use and enjoyment of the property.

22 (17) "Person" means an individual, group of individuals,  
23 corporation, government, or governmental agency, business trust,  
24 estate, trust, partnership, or association, two or more persons  
25 having a joint or common interest, or any other legal or commercial  
26 entity.

27 (18) "Premises" means a dwelling unit, appurtenances thereto,  
28 grounds, and facilities held out for the use of tenants generally and  
29 any other area or facility which is held out for use by the tenant.

30 (19) "Property" or "rental property" means all dwelling units on  
31 a contiguous quantity of land managed by the same landlord as a  
32 single, rental complex.

33 (20) "Prospective landlord" means a landlord or a person who  
34 advertises, solicits, offers, or otherwise holds a dwelling unit out  
35 as available for rent.

36 (21) "Prospective tenant" means a tenant or a person who has  
37 applied for residential housing that is governed under this chapter.

38 (22) "Qualified inspector" means a United States department of  
39 housing and urban development certified inspector; a Washington state  
40 licensed home inspector; an American society of home inspectors

1 certified inspector; a private inspector certified by the national  
2 association of housing and redevelopment officials, the American  
3 association of code enforcement, or other comparable professional  
4 association as approved by the local municipality; a municipal code  
5 enforcement officer; a Washington licensed structural engineer; or a  
6 Washington licensed architect.

7 (23) "Reasonable attorneys' fees," where authorized in this  
8 chapter, means an amount to be determined including the following  
9 factors: The time and labor required, the novelty and difficulty of  
10 the questions involved, the skill requisite to perform the legal  
11 service properly, the fee customarily charged in the locality for  
12 similar legal services, the amount involved and the results obtained,  
13 and the experience, reputation and ability of the lawyer or lawyers  
14 performing the services.

15 (24) "Reasonable manner," with respect to disposing of a deceased  
16 tenant's personal property, means to dispose of the property by  
17 donation to a not-for-profit charitable organization, by removal of  
18 the property by a trash hauler or recycler, or by any other method  
19 that is reasonable under the circumstances.

20 (25) "Rental agreement" means all agreements which establish or  
21 modify the terms, conditions, rules, regulations, or any other  
22 provisions concerning the use and occupancy of a dwelling unit.

23 (26) A "single-family residence" is a structure maintained and  
24 used as a single dwelling unit. Notwithstanding that a dwelling unit  
25 shares one or more walls with another dwelling unit, it shall be  
26 deemed a single-family residence if it has direct access to a street  
27 and shares neither heating facilities nor hot water equipment, nor  
28 any other essential facility or service, with any other dwelling  
29 unit.

30 (27) A "tenant" is any person who is entitled to occupy a  
31 dwelling unit primarily for living or dwelling purposes under a  
32 rental agreement.

33 (28) "Tenant representative" means:

34 (a) A personal representative of a deceased tenant's estate if  
35 known to the landlord;

36 (b) If the landlord has no knowledge that a personal  
37 representative has been appointed for the deceased tenant's estate, a  
38 person claiming to be a successor of the deceased tenant who has  
39 provided the landlord with proof of death and an affidavit made by  
40 the person that meets the requirements of RCW 11.62.010(2);

1 (c) In the absence of a personal representative under (a) of this  
2 subsection or a person claiming to be a successor under (b) of this  
3 subsection, a designated person; or

4 (d) In the absence of a personal representative under (a) of this  
5 subsection, a person claiming to be a successor under (b) of this  
6 subsection, or a designated person under (c) of this subsection, any  
7 person who provides the landlord with reasonable evidence that he or  
8 she is a successor of the deceased tenant as defined in RCW  
9 11.62.005. The landlord has no obligation to identify all of the  
10 deceased tenant's successors.

11 (29) "Tenant screening" means using a consumer report or other  
12 information about a prospective tenant in deciding whether to make or  
13 accept an offer for residential rental property to or from a  
14 prospective tenant.

15 (30) "Tenant screening report" means a consumer report as defined  
16 in RCW 19.182.010 and any other information collected by a tenant  
17 screening service.

18 **Sec. 25.** RCW 71.09.070 and 2015 c 278 s 1 are each amended to  
19 read as follows:

20 (1) Each person committed under this chapter shall have a current  
21 examination of his or her mental condition made by the department at  
22 least once every year.

23 (2) The evaluator must prepare a report that includes  
24 consideration of whether:

25 (a) The committed person currently meets the definition of a  
26 sexually violent predator;

27 (b) Conditional release to a less restrictive alternative is in  
28 the best interest of the person; and

29 (c) Conditions can be imposed that would adequately protect the  
30 community.

31 (3) The department, on request of the committed person, shall  
32 allow a record of the annual review interview to be preserved by  
33 audio recording and made available to the committed person.

34 (4) The evaluator must indicate in the report whether the  
35 committed person participated in the interview and examination.

36 (5) The department shall file the report with the court that  
37 committed the person under this chapter. The report shall be in the  
38 form of a declaration or certification in compliance with the  
39 requirements of (~~RCW 9A.72.085~~) chapter 5.50 RCW and shall be

1 prepared by a professionally qualified person as defined by rules  
2 adopted by the secretary. A copy of the report shall be served on the  
3 prosecuting agency involved in the initial commitment and upon the  
4 committed person and his or her counsel.

5 (6) (a) The committed person may retain, or if he or she is  
6 indigent and so requests, the court may appoint a qualified expert or  
7 a professional person to examine him or her, and such expert or  
8 professional person shall have access to all records concerning the  
9 person.

10 (b) Any report prepared by the expert or professional person and  
11 any expert testimony on the committed person's behalf is not  
12 admissible in a proceeding pursuant to RCW 71.09.090, unless the  
13 committed person participated in the most recent interview and  
14 evaluation completed by the department.

15 (7) If an unconditional release trial is ordered pursuant to RCW  
16 71.09.090, this section is suspended until the completion of that  
17 trial. If the individual is found either by jury or the court to  
18 continue to meet the definition of a sexually violent predator, the  
19 department must conduct an examination pursuant to this section no  
20 later than one year after the date of the order finding that the  
21 individual continues to be a sexually violent predator. The  
22 examination must comply with the requirements of this section.

23 (8) During any period of confinement pursuant to a criminal  
24 conviction, or for any period of detention awaiting trial on criminal  
25 charges, this section is suspended. Upon the return of the person  
26 committed under this chapter to the custody of the department, the  
27 department shall initiate an examination of the person's mental  
28 condition. The examination must comply with the requirements of  
29 subsection (1) of this section.

30 **Sec. 26.** RCW 81.84.020 and 2007 c 234 s 93 are each amended to  
31 read as follows:

32 (1) Upon the filing of an application, the commission shall give  
33 reasonable notice to the department, affected cities, counties, and  
34 public transportation benefit areas and any common carrier which  
35 might be adversely affected, of the time and place for hearing on  
36 such application. The commission may, after notice and an opportunity  
37 for a hearing, issue the certificate as prayed for, or refuse to  
38 issue it, or issue it for the partial exercise only of the privilege  
39 sought, and may attach to the exercise of the rights granted by the



1 certificate any terms and conditions as in its judgment the public  
2 convenience and necessity may require; but the commission may not  
3 grant a certificate to operate between districts or into any  
4 territory prohibited by RCW 47.60.120 or already served by an  
5 existing certificate holder, unless the existing certificate holder  
6 has failed or refused to furnish reasonable and adequate service, has  
7 failed to provide the service described in its certificate or tariffs  
8 after the time allowed to initiate service has elapsed, or has not  
9 objected to the issuance of the certificate as prayed for.

10 (2) Before issuing a certificate, the commission shall determine  
11 that the applicant has the financial resources to operate the  
12 proposed service for at least twelve months, based upon the  
13 submission by the applicant of a pro forma financial statement of  
14 operations. Issuance of a certificate must be determined upon, but  
15 not limited to, the following factors: Ridership and revenue  
16 forecasts; the cost of service for the proposed operation; an  
17 estimate of the cost of the assets to be used in providing the  
18 service; a statement of the total assets on hand of the applicant  
19 that will be expended on the proposed operation; and a statement of  
20 prior experience, if any, in such field by the applicant. The  
21 documentation required of the applicant under this section must  
22 comply with the provisions of (~~RCW 9A.72.085~~) chapter 5.50 RCW.

23 (3) In granting a certificate for passenger-only ferries and  
24 determining what conditions to place on the certificate, the  
25 commission shall consider and give substantial weight to the effect  
26 of its decisions on public agencies operating, or eligible to  
27 operate, passenger-only ferry service.

28 (4) Until July 1, 2007, the commission shall not accept or  
29 consider an application for passenger-only ferry service serving any  
30 county in the Puget Sound area with a population of over one million  
31 people. Applications for passenger-only ferry service serving any  
32 county in the Puget Sound area with a population of over one million  
33 pending before the commission as of May 9, 2005, must be held in  
34 abeyance and not be considered before July 1, 2007.

35 **Sec. 27.** RCW 88.02.540 and 2011 c 326 s 4 are each amended to  
36 read as follows:

37 (1) The application for a quick title of a vessel must be made by  
38 the owner or the owner's representative to the department,  
39 participating county auditor or other agent, or subagent appointed by

1 the director on a form furnished or approved by the department and  
2 must contain:

3 (a) A description of the vessel, including make, model, hull  
4 identification number, series, and body;

5 (b) The name and address of the person who is to be the  
6 registered owner of the vessel and, if the vessel is subject to a  
7 security interest, the name and address of the secured party; and

8 (c) Other information as may be required by the department.

9 (2) The application for a quick title must be signed by the  
10 person applying to be the registered owner and be sworn to by that  
11 person in the manner described under ((~~RCW 9A.72.085~~)) chapter 5.50  
12 RCW. The department must keep a copy of the application.

13 (3) The application for a quick title must be accompanied by:

14 (a) All fees and taxes due for an application for a certificate  
15 of title, including a quick title service fee under RCW 88.02.640(1);  
16 and

17 (b) The most recent certificate of title or other satisfactory  
18 evidence of ownership.

19 (4) All applications for quick title must meet the requirements  
20 established by the department.

21 (5) For the purposes of this section, "quick title" means a  
22 certificate of title printed at the time of application.

23 (6) A subagent may process a quick title under this section only  
24 after (a) the department has instituted a process in which blank  
25 certificates of title can be inventoried; (b) the county auditor of  
26 the county in which the subagent is located has processed quick  
27 titles for a minimum of six months; and (c) the county auditor  
28 approves a request from a subagent in its county to process quick  
29 titles.

30 NEW SECTION. **Sec. 28.** Sections 1 and 7 of this act expire July  
31 1, 2021.

32 NEW SECTION. **Sec. 29.** Sections 2 and 22 of this act take effect  
33 July 1, 2021."

34 Correct the title.

that subscription to an unsworn declaration by a law enforcement officer is governed by the reinstated language. Provides an expiration date of July 1, 2021, for the reinstated statute.

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