

---

HOUSE BILL 1486

---

State of Washington

54th Legislature

1995 Regular Session

By Representatives Sherstad, Padden, Van Luven, Mielke, Koster, Morris, Hickel, Hargrove, Casada and Patterson

Read first time 01/27/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to adult entertainment businesses; amending RCW  
2 7.48A.040; adding a new section to chapter 43.43 RCW; adding a new  
3 chapter to Title 18 RCW; prescribing penalties; and providing an  
4 effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** It is the purpose of this chapter to  
7 regulate certain adult entertainment businesses to promote the health,  
8 safety, and welfare of the citizens of the state of Washington. The  
9 legislature finds that these businesses, when unregulated, promote  
10 illegal activities including obscenity, pornography, sexual offenses,  
11 and prostitution.

12 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
13 otherwise, the definitions in this section apply throughout this  
14 chapter.

15 (1) "Adult entertainment business" means a nightclub, bar,  
16 restaurant, theater, concert hall, auditorium, or similar commercial  
17 establishment that regularly features live performances by nude or  
18 seminude persons.

1 (2) "Applicant" means a person or persons applying for a license  
2 under this chapter.

3 (3) "Business license" means a license issued by the department  
4 under this chapter to an adult entertainment business.

5 (4) "Department" means the department of licensing.

6 (5) "Director" means the director of licensing.

7 (6) "Licensee" means a person or persons in whose name a license  
8 has been issued under this chapter.

9 (7) "Nude" means a state of dress that exposes a person's bare  
10 buttock, anus, genital, or breast, or a state of dress which fails to  
11 cover opaquely a person's buttock, anus, genital, or areola of the  
12 breast.

13 (8) "Own or operate" means a person has a substantial interest in  
14 an adult entertainment business.

15 (9) "Performer's license" means a license issued by the department  
16 under this chapter to a performer in an adult entertainment business.

17 (10) "Seminude" means a state of dress other than nude that, with  
18 respect to a person's torso, opaquely covers only the buttocks, anus,  
19 genitals, and areolae of the breasts, as well as portions of the body  
20 covered by supporting straps or devices.

21 (11) "Substantial interest" means the interest possessed by a  
22 person when:

23 (a) With respect to a sole proprietorship, the person, or his or  
24 her marital community, owns, operates, manages, or conducts, directly  
25 or indirectly, the business, or any part of it; or

26 (b) With respect to a partnership, the person or his or her marital  
27 community, shares in any of the profits, or potential profits, of the  
28 business; or

29 (c) With respect to a corporation, the person or his or her spouse,  
30 is an officer, or director, or the person or his or her marital  
31 community is a holder, directly or beneficially, of ten percent or more  
32 of any class of stock of the business; or

33 (d) With respect to an organization not covered in (a), (b), or (c)  
34 of this subsection, the person or his or her spouse, is an officer or  
35 manages the business affairs, or the person or his or her marital  
36 community is owner of or otherwise controls ten percent or more of the  
37 assets of the business; or

1 (e) The person, or his or her marital community, furnishes ten  
2 percent or more of the capital, whether in cash, goods, or services,  
3 for the operation of the business during any calendar year.

4 NEW SECTION. **Sec. 3.** (1) It is a gross misdemeanor for a person  
5 to own, operate, or manage, or act as the agent for one who owns,  
6 operates, or manages, an adult entertainment business in the state of  
7 Washington unless the person has obtained a business license pursuant  
8 to this chapter.

9 (2) It is a gross misdemeanor for a performer to appear nude or  
10 seminude in an adult entertainment business unless the performer has  
11 obtained a performer's license pursuant to this chapter.

12 NEW SECTION. **Sec. 4.** (1) Each owner, operator, manager, or agent  
13 of a business must obtain and maintain a separate business license.

14 (2) An application for a business license must be made on a form  
15 provided by the department. The applicant shall provide: (a) The  
16 name, address, phone number, and date of birth of the applicant; (b)  
17 two passport-size color photographs of the applicant; (c) the  
18 applicant's principal occupation; (d) a description of the proposed  
19 establishment; (e) the nature of the proposed business; (f) the trade  
20 name of the proposed business; (g) location of the proposed business;  
21 and (h) such other information as the department may require by rule.

22 (3) At the time of applying, the applicant shall post notice of the  
23 application at the proposed business location in a form and manner as  
24 required by the department by rule.

25 NEW SECTION. **Sec. 5.** (1) The department shall grant or refuse a  
26 business license in accordance with this chapter.

27 (2) Every business license shall be issued in the name of the  
28 applicant or applicants, and the holder of a license shall not allow  
29 any other person to use it.

30 (3) No business license may be issued to:

31 (a) An individual, partnership, or corporation, unless qualified to  
32 obtain a business license, as provided in this chapter;

33 (b) An applicant whose business is conducted by a manager or agent,  
34 unless the manager or agent possesses the same qualifications as are  
35 required of the business licensee;

1 (c) A corporation, unless it was created under the laws of the  
2 state of Washington or holds a certificate of authority to transact  
3 business in the state of Washington;

4 (d) An applicant who is under eighteen years of age;

5 (e) An applicant who has failed to provide information reasonably  
6 necessary for issuance of the business license or who has falsely  
7 answered a question or request for information on the application form;  
8 or

9 (f) An applicant who has proposed the location of the business  
10 within a zone where such use is prohibited by state or local authority.

11 (4) Upon receipt of an application for a business license, the  
12 department shall give notice of the application to the chief executive  
13 officer of the incorporated city or town, if the application is for a  
14 business license within an incorporated city or town, or to the county  
15 legislative authority, if the application is for a business license  
16 outside the boundaries of incorporated cities or towns, or to all the  
17 appropriate executive officers in the case of a regional adult  
18 entertainment business plan. Upon the granting of a business license  
19 under this chapter the department shall send a duplicate of the license  
20 or written notification to the chief executive officer of the  
21 incorporated city or town in which the license is granted, or to the  
22 county legislative authority if the license is granted outside the  
23 boundaries of incorporated cities or towns, or to all chief executive  
24 officers of impacted cities, towns, or counties participating in a  
25 regional adult entertainment business plan.

26 (5)(a) Except as set forth in (b) of this subsection, the  
27 department shall not issue an initial business license covering any  
28 premises, if at the time the initial license is to be issued the  
29 premises are within a buffer zone of one thousand feet surrounding any  
30 residential zone, single or multifamily dwelling, church, park,  
31 playground, day care center, or elementary or secondary school. The  
32 one thousand feet shall be measured on a straight line between the  
33 closest points of the property on which the premises are located and  
34 the property of the residential zone, dwelling, church, park,  
35 playground, day care center, or school. For the purpose of this  
36 section, church means a building erected for and used exclusively for  
37 religious worship and schooling or other activity in connection with  
38 the worship and schooling. The department may rely on the measurements

1 of the relevant local jurisdictions in determining the boundaries of a  
2 buffer zone.

3 (b) The legislative authority of a city, town, or county:

4 (i) Shall establish a buffer zone less than that established in (a)  
5 of this subsection if the legislative authority finds (A) that the  
6 adverse secondary effects of adult entertainment businesses on public  
7 health, safety, or welfare would not be greater as a result of the  
8 smaller buffer zone or (B) that failure to establish a smaller buffer  
9 zone will effectively prohibit any adult entertainment business in the  
10 city, town, or county and there is no regional agreement with  
11 neighboring cities, towns, or counties that provides adequate  
12 opportunities for such businesses; or

13 (ii) May establish a buffer zone greater than that established in  
14 (a) of this subsection if the legislative authority finds (A) that the  
15 adverse secondary effects of adult entertainment businesses on public  
16 health, safety, or welfare would not be reasonably and effectively  
17 mitigated without the larger buffer zone and (B) that establishing a  
18 larger buffer zone will not effectively prohibit any adult  
19 entertainment business in the city, town, or county, or that there is  
20 a regional agreement with neighboring cities, towns, or counties that  
21 provides adequate opportunities for such businesses.

22 (c) If the location requirements established pursuant to this  
23 chapter effectively preclude location of adult entertainment businesses  
24 within a city, town, or county, such city, town, or county shall join  
25 with neighboring cities, towns, or counties in a regional adult  
26 entertainment business location plan in order to provide reasonable  
27 opportunity for location of adult entertainment businesses in the  
28 regional area.

29 NEW SECTION. **Sec. 6.** (1) The department may, subject to the  
30 provisions of this chapter and as provided by rule, suspend or cancel  
31 a business license; and all rights of the licensee under this chapter  
32 shall be suspended or terminated, as the case may be.

33 (2) Upon receipt of notice of the suspension or cancellation of a  
34 business license, the licensee shall forthwith deliver the license to  
35 the department. Where the business license has been suspended only,  
36 the department shall return the license to the licensee at the  
37 expiration or termination of the period of suspension.

1        NEW SECTION.    **Sec. 7.**    (1) Every business license issued under this  
2 chapter is subject to all conditions and restrictions imposed by this  
3 chapter. All conditions and restrictions imposed by the department in  
4 the issuance of an individual business license shall be listed on the  
5 face of the individual license along with the trade name, address, and  
6 expiration date.

7        (2) Every business licensee shall post and keep posted its license  
8 in a conspicuous place on the premises.

9        NEW SECTION.    **Sec. 8.**    The department shall not issue a business  
10 license to a transferee until the transferee has applied for and  
11 received a business license under this chapter.

12        NEW SECTION.    **Sec. 9.**    (1)(a) At the time of the original issuance  
13 of a business license, the department shall prorate the license fee  
14 charged to the new licensee according to the number of calendar  
15 quarters, or portion thereof, remaining until the first renewal of that  
16 license is required.

17        (b) Unless canceled sooner, every business license issued by the  
18 department shall expire at midnight of the thirtieth day of June of the  
19 fiscal year for which it was issued. However, if the department deems  
20 it feasible and desirable to do so, it may establish, by rule pursuant  
21 to chapter 34.05 RCW, a system for staggering the annual renewal dates  
22 for business licenses. If such a system of staggered annual renewal  
23 dates is established by the department, the business license fees  
24 provided by this chapter shall be appropriately prorated during the  
25 first year that the system is in effect.

26        (2) The adult entertainment business license fee shall be  
27 established under RCW 43.24.086, but shall be at least seven hundred  
28 fifty dollars per annum, and shall be paid at the time of application.  
29 One-half of the fee shall be refunded if the application is withdrawn  
30 prior to a denial of the license by the department.

31        NEW SECTION.    **Sec. 10.**    (1) The holder of a business license may  
32 not assign or transfer the license, except that a transfer may be made  
33 to the surviving spouse of a deceased licensee if the transferor and  
34 transferee were maintaining a marital community and the license was  
35 issued in the name of one or both of them.

1 (2) A change in an owner or operator of a licensed business or a  
2 change in the manager or agent of a business must be reported to the  
3 department within thirty days, and any new owner, operator, manager, or  
4 agent must meet the requirements of section 5 of this act. The  
5 department shall charge a fee established under RCW 43.24.086 that is  
6 at least seventy-five dollars for the processing of a change in an  
7 owner, operator, manager, or agent.

8 NEW SECTION. **Sec. 11.** The department in suspending a business  
9 license may further provide in the order of suspension that such  
10 suspension shall be vacated upon payment to the department by the  
11 licensee of a monetary penalty in an amount fixed by the department but  
12 not to exceed ten thousand dollars.

13 NEW SECTION. **Sec. 12.** (1)(a) An application for a performer's  
14 license must be made on a form provided by the department. The  
15 performer shall provide the following: (i) The performer's name,  
16 including all aliases, address, phone number, and date of birth; (ii)  
17 two passport-size color photographs of the performer; (iii) principal  
18 occupation; (iv) the name and address of any business, if known, at  
19 which the performer will perform; and (v) such other information as the  
20 department may require by rule.

21 (b) Identifying information provided by an applicant under this  
22 subsection is exempt from public disclosure, and the department shall  
23 not disclose such information except to the extent necessary to carry  
24 out its responsibilities under this chapter, or to comply with a  
25 request from another governmental entity, or to comply with a court  
26 order.

27 (2) No performer's license may be issued to:

28 (a) A performer who is under eighteen years of age;

29 (b) A performer who has failed to provide information reasonably  
30 necessary for issuance of the license or has falsely answered a  
31 question or request for information on the application form.

32 (3) The performer's license fee shall be established under RCW  
33 43.24.086, but shall be at least seventy-five dollars per annum and  
34 shall be paid at the time of application. One-half of the fee shall be  
35 refunded if the application is withdrawn prior to denial of the license  
36 by the department.

1 (4) Every performer shall keep his or her performer's license on  
2 the premises while performing.

3 NEW SECTION. **Sec. 13.** Every business licensed under section 5 of  
4 this act shall file monthly reports with the department pursuant to  
5 rule. The reports shall include the following: (1) The name, address,  
6 and date of birth of all performers appearing nude or seminude during  
7 the month; and (2) such further information as the department may  
8 require.

9 NEW SECTION. **Sec. 14.** An action, order, or decision of the  
10 department as to a denial of an application for the issuance or renewal  
11 of a business or performer's license or as to a revocation, suspension,  
12 or modification of a license is subject to the applicable provisions of  
13 chapter 34.05 RCW.

14 (1) An opportunity for a hearing must be provided a licensee prior  
15 to a revocation or modification of a business or performer's license  
16 and, except as provided in subsection (3) of this section, prior to the  
17 suspension of a license.

18 (2) No hearing shall be required until demanded by the applicant or  
19 licensee.

20 (3) The department may summarily suspend a business or performer's  
21 license for a period of up to thirty days without a prior hearing if it  
22 finds that public health, safety, or welfare imperatively requires  
23 emergency action, and incorporates a finding to that effect in its  
24 order; and proceedings for revocation or other action must be promptly  
25 instituted and determined.

26 NEW SECTION. **Sec. 15.** No provision in this chapter limits the  
27 authority of cities, towns, and counties from further regulating adult  
28 entertainment businesses as to hours of operation, location of  
29 premises, or manner of operation.

30 The provisions of this chapter relating to the licensing of any  
31 adult entertainment business shall not be exclusive and any city, town,  
32 or county within whose jurisdiction the adult entertainment business is  
33 located may require any registrations or licenses, or charge any fee  
34 for the same or similar purpose; and nothing in this chapter shall  
35 limit or abridge the authority of any city, town, or county to levy and  
36 collect a general and nondiscriminatory license fee levied upon all



1 businesses, or to levy a tax based upon gross business conducted by any  
2 firm within the city, town, or county.

3 NEW SECTION. **Sec. 16.** The director has the following authority:

4 (1) To adopt, amend, or repeal such rules as are deemed necessary  
5 to carry out this chapter;

6 (2) To investigate all complaints or reports of conduct in  
7 violation of this chapter and to hold hearings as provided in this  
8 chapter;

9 (3) To issue subpoenas and administer oaths in connection with any  
10 investigation, hearing, or proceeding held under this chapter;

11 (4) To take or cause depositions to be taken and use other  
12 discovery procedures as needed in any investigation, hearing, or  
13 proceeding held under this chapter;

14 (5) To compel attendance of witnesses at hearings;

15 (6) To take emergency action ordering summary suspension of a  
16 business or performer's license, or restriction or limitation of the  
17 licensee's practice pending further disciplinary action under section  
18 21 of this act;

19 (7) To use the office of administrative hearings as authorized in  
20 chapter 34.12 RCW to conduct hearings. However, the director or the  
21 director's designee shall make the final decision in the hearing;

22 (8) To enter into contracts for professional services determined to  
23 be necessary for adequate enforcement of this chapter;

24 (9) To grant or deny business or performer's license applications,  
25 and to impose any sanction against a license applicant or license  
26 holder provided by this chapter;

27 (10) To establish or increase in accordance with RCW 43.24.086  
28 business and performer's license fees above the minimum set by this  
29 chapter;

30 (11) To enter into an assurance of discontinuance in lieu of  
31 issuing a statement of charges or conducting a hearing. The assurance  
32 shall consist of a statement of the law in question and an agreement  
33 not to violate the stated provision. The applicant or license holder  
34 shall not be required to admit to any violation of the law, nor shall  
35 the assurance be construed as such an admission. Violation of an  
36 assurance under this subsection is grounds for disciplinary action;

37 (12) To designate individuals authorized to sign subpoenas and  
38 statements of charges; and

1 (13) To employ such investigative, administrative, and clerical  
2 staff as necessary for the enforcement of this chapter.

3 NEW SECTION. **Sec. 17.** A person, including but not limited to a  
4 customer, licensee, corporation, organization, or state or local  
5 governmental agency, may submit a written complaint to the department  
6 charging a business or performer's license holder or applicant with a  
7 violation of this chapter. If the department determines that the  
8 complaint merits investigation, or if the department has reason to  
9 believe, without a formal complaint, that a license holder or applicant  
10 may have violated this chapter, the department may investigate to  
11 determine whether there has been a violation. A person who files a  
12 complaint under this section in good faith is immune from suit in any  
13 civil action related to the filing or contents of the complaint.

14 NEW SECTION. **Sec. 18.** (1) If the department determines, upon  
15 investigation pursuant to section 17 of this act, that there is reason  
16 to believe a violation of this chapter has occurred, a statement of  
17 charge or charges may be prepared and served upon the business or  
18 performer's license holder or applicant. The statement of charge or  
19 charges shall be accompanied by a notice that the license holder or  
20 applicant may request a hearing to contest the charge or charges. The  
21 license holder or applicant must file a request for hearing with the  
22 department within twenty days after being served the statement of  
23 charges. The failure to request a hearing constitutes a default, upon  
24 which the director or the director's designee may enter an order  
25 pursuant to RCW 34.05.440(1).

26 (2) If a hearing is requested, the time of the hearing shall be  
27 scheduled but the hearing shall not be held earlier than thirty days  
28 after service of the charges upon the license holder or applicant. A  
29 notice of hearing shall be issued at least twenty days prior to the  
30 hearing, specifying the time, date, and place of the hearing.

31 NEW SECTION. **Sec. 19.** The procedures governing adjudicative  
32 proceedings before agencies under chapter 34.05 RCW, the administrative  
33 procedure act, govern all hearings requested under section 18 of this  
34 act.

1        NEW SECTION.    **Sec. 20.**    (1) Upon a finding that a business or  
2 performer's license holder or applicant has engaged in conduct or  
3 violated conditions that are grounds for denial of a license or for  
4 disciplinary action under section 21 of this act, the director may  
5 issue an order providing for one or any combination of the following:

6        (a) Revocation of the license;

7        (b) Suspension of the license for a fixed or indefinite term;

8        (c) Censure or reprimand;

9        (d) Compliance with conditions of probation for a designated period  
10 of time;

11        (e) Payment of a fine for each violation of this chapter, not to  
12 exceed one thousand dollars per violation, which shall be paid to the  
13 department;

14        (f) Denial of the license request.

15        (2) Any of the actions under this section may be totally or partly  
16 stayed by the director. All costs associated with compliance with  
17 orders issued under this section are the obligation of the license  
18 holder or applicant.

19        NEW SECTION.    **Sec. 21.** The following conduct, acts, or conditions,  
20 constitute grounds for denial of a license or for disciplinary action  
21 against any business or performer's license holder or applicant under  
22 the jurisdiction of this chapter:

23        (1) With respect to a license holder, commission of an act that  
24 constitutes an obscenity or pornography offense under chapter 9.68 RCW,  
25 a sexual exploitation of children offense under chapter 9.68A RCW, a  
26 sexual offense under chapter 9A.44 RCW, a prostitution or indecent  
27 exposure offense under chapter 9A.88 RCW, or a substantially similar  
28 ordinance adopted by the legislative authority of a city, town, or  
29 county or other state statute. Conviction in a criminal proceeding is  
30 not a condition precedent to disciplinary action under this section.  
31 Upon a conviction, however, the judgment and sentence is conclusive  
32 evidence at an ensuing disciplinary hearing of the guilt of the license  
33 holder or applicant of the crime described in the indictment or  
34 information, and of the person's violation of the statute on which it  
35 is based. For the purposes of this section, conviction includes a plea  
36 of guilty or nolo contendere and also includes all sentence deferrals  
37 or suspensions;

- 1 (2) Misrepresentation or concealment of a material fact in  
2 obtaining a license or in license reinstatement;
- 3 (3) All advertising that is false, fraudulent, or misleading;
- 4 (4) Failure to cooperate with the department in the conduct of an  
5 investigation by:
- 6 (a) Not furnishing any requested papers or documents;
- 7 (b) Not furnishing in writing a full and complete explanation  
8 regarding the matter under investigation; or
- 9 (c) Not responding to subpoenas issued by the director, whether or  
10 not the recipient of the subpoena is the subject of the investigation;
- 11 (5) Failure to comply with an order issued by the director or an  
12 assurance of discontinuance entered into with the director;
- 13 (6) Aiding and abetting an unlicensed person to own or operate a  
14 business or to perform when a license is required;
- 15 (7) Interference with an investigation or disciplinary proceeding  
16 by willful misrepresentation of facts before the director or the  
17 director's authorized representative, or by the use of threats or  
18 harassment against any witness to prevent him or her from providing  
19 evidence in a disciplinary proceeding or any other legal action;
- 20 (8) Violating this chapter or any rule adopted pursuant to this  
21 chapter.

22 NEW SECTION. **Sec. 22.** (1) The director may investigate complaints  
23 under this chapter concerning ownership or operation of a business  
24 without a license or performing without a license. In the  
25 investigation of the complaints, the director shall have the same  
26 authority as provided the director under section 16 of this act. The  
27 director may issue a cease and desist order to a person after notice  
28 and hearing and upon a determination that the person has owned or  
29 operated a business without a license, or has performed without a  
30 license, in violation of this chapter. If the director makes a written  
31 finding of fact that the public interest will be irreparably harmed by  
32 delay in issuing an order, the director may issue a temporary cease and  
33 desist order before the notice and hearing. A cease and desist order  
34 does not relieve the person so owning or operating a business or  
35 performing without a license from criminal prosecution. The remedy of  
36 a cease and desist order is in addition to any criminal liability. A  
37 cease and desist order is conclusive proof of unlicensed practice and  
38 may be enforced through remedial sanctions under chapter 7.21 RCW.

1 Enforcement of the cease and desist order under chapter 7.21 RCW may be  
2 used in addition to, or as an alternative to, any provisions for  
3 enforcement of agency orders set out in chapter 34.05 RCW.

4 (2) The attorney general, a county prosecuting attorney, the  
5 department, or any person may, in accordance with the law of this state  
6 governing injunctions, maintain an action to enjoin any person owning  
7 or operating a business, or performing, without a license required by  
8 this chapter from continuing such ownership, operation, or performing  
9 until the required license is secured. However, an injunction does not  
10 relieve a person from criminal prosecution and the remedy by injunction  
11 is in addition to any criminal liability.

12 NEW SECTION. **Sec. 23.** A person or business that violates an  
13 injunction issued under this chapter shall pay a civil penalty, as  
14 determined by the court, of not more than twenty-five thousand dollars,  
15 which shall be paid to the department. For the purpose of this  
16 section, the superior court issuing any injunction shall retain  
17 jurisdiction and the cause shall be continued, and in such cases the  
18 attorney general acting in the name of the state may petition for the  
19 recovery of civil penalties.

20 NEW SECTION. **Sec. 24.** (1) The director or individuals acting on  
21 the director's behalf are immune from suit in any civil or criminal  
22 action based on any disciplinary proceedings or other official acts  
23 performed in the course of their duties in the administration and  
24 enforcement of this chapter.

25 (2) Legislative authorities of cities, towns, and counties are  
26 immune from suit in any civil or criminal action based on any official  
27 acts performed in the course of their duties in the administration or  
28 enforcement of this chapter.

29 In any challenge to location, distance, or conduct requirements  
30 imposed by the legislative authority of a city, town, or county  
31 pursuant to this chapter, the legislative authority may request that  
32 the state assume some or all of the obligation to defend the  
33 constitutionality of this chapter. The attorney general may grant or  
34 deny the request. Nothing in this chapter creates any state liability  
35 for actions of a city, town, or county.

1        NEW SECTION.    **Sec. 25.** Existing adult entertainment businesses are  
2 exempt from any location restrictions imposed by this chapter until  
3 January 1, 1999.

4        NEW SECTION.    **Sec. 26.** It is a gross misdemeanor for any person to  
5 permit any person under the age of eighteen on the premises of any  
6 adult entertainment business under his or her control.

7        NEW SECTION.    **Sec. 27.** It is a class C felony for any person to  
8 employ or permit any person under the age of eighteen to appear nude or  
9 seminude on the premises of any adult entertainment business under his  
10 or her control.

11       NEW SECTION.    **Sec. 28.** Sections 1 through 27 of this act shall  
12 constitute a new chapter in Title 18 RCW.

13       NEW SECTION.    **Sec. 29.** A new section is added to chapter 43.43 RCW  
14 to read as follows:

15       The department of licensing may request information from the  
16 Washington state patrol criminal identification system regarding the  
17 conviction of offenses listed under section 21(1) of this act for a  
18 license holder who is the subject of an investigation under section 17  
19 of this act.

20       NEW SECTION.    **Sec. 30.** RCW 7.48A.040 and 1985 c 235 s 1 are each  
21 amended to read as follows:

22       (1) No person shall with knowledge maintain a moral nuisance.  
23       (2) Upon a determination that a defendant has with knowledge  
24 maintained a moral nuisance, the court shall impose a civil fine and  
25 judgment of an amount as the court shall determine to be appropriate.  
26 In imposing the civil fine, the court shall consider the wilfulness of  
27 the defendant's conduct and the profits made by the defendant  
28 attributable to the lewd matter, lewdness, or prostitution, whichever  
29 is applicable. In no event shall the civil fine exceed the greater of  
30 (~~twenty-five~~) fifty thousand dollars or these profits.

31       NEW SECTION.    **Sec. 31.** If any provision of this act or its  
32 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 32.** This act shall take effect January 1, 1996.  
4 The department of licensing may take such steps before then, including  
5 the adoption of rules, as are necessary to ensure that this act is  
6 implemented on January 1, 1996.

--- END ---