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**SUBSTITUTE SENATE BILL 5017**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Salomon, Van De Wege, and Pedersen; by request of Uniform Law Commission)

1 AN ACT Relating to the uniform unsworn declarations act; amending  
2 RCW 5.50.010, 5.50.020, 5.50.050, 5.50.900, 5.50.901, 7.64.020,  
3 7.70.065, 9A.04.030, 9A.72.010, 10.25.065, 11.96A.250, 18.104.093,  
4 18.104.097, 39.04.350, 39.26.160, 46.09.320, 46.12.530, 46.12.555,  
5 46.16A.435, 46.20.308, 46.20.720, 47.68.250, 71.09.070, 81.84.020,  
6 and 88.02.540; reenacting and amending RCW 59.18.030; repealing RCW  
7 9A.72.085; and providing an expiration date.

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

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

11 In this chapter:

12 (1) (~~"Boundaries of the United States" means the geographic~~  
13 ~~boundaries of the United States, Puerto Rico, the United States~~  
14 ~~Virgin Islands, and any territory or insular possession subject to~~  
15 ~~the jurisdiction of the United States.~~

16 ~~(2))~~ "Law" includes (~~the federal or a state Constitution,~~) a  
17 (~~federal or state~~) statute, ((a)) judicial decision or order, ((a))  
18 rule of court, (~~an~~) executive order, and (~~an~~) administrative  
19 rule, regulation, or order.

1       ~~((3))~~ (2) "Record" means information that is inscribed on a  
2 tangible medium or that is stored in an electronic or other medium  
3 and is retrievable in perceivable form.

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

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

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

9       ~~((5) "State" means a state of the United States, the District of  
10 Columbia, Puerto Rico, the United States Virgin Islands, or any  
11 territory or insular possession subject to the jurisdiction of the  
12 United States.~~

13       ~~((6))~~ (4) "Sworn declaration" means a declaration in a signed  
14 record given under oath. The term includes a sworn statement,  
15 verification, certificate, and affidavit.

16       ~~((7))~~ (5) "Unsworn declaration" means a declaration in a signed  
17 record ~~((that is))~~ not given under oath ~~((7))~~ but ~~((is))~~ given under  
18 penalty of perjury.

19       **Sec. 2.** RCW 5.50.020 and 2011 c 22 s 3 are each amended to read  
20 as follows:

21       This chapter applies to an unsworn declaration by a declarant who  
22 at the time of making the declaration is physically located within or  
23 outside the boundaries of the United States, whether or not the  
24 location is subject to the jurisdiction of the United States. ~~((This  
25 chapter does not apply to a declaration by a declarant who is  
26 physically located on property that is within the boundaries of the  
27 United States and subject to the jurisdiction of another country or a  
28 federally recognized Indian tribe.))~~

29       **Sec. 3.** RCW 5.50.050 and 2011 c 22 s 6 are each amended to read  
30 as follows:

31       An unsworn declaration under this chapter must be in  
32 substantially the following form:

33       I declare under penalty of perjury under the law of Washington  
34 that the foregoing is true and correct ~~((, and that I am physically  
35 located outside the geographic boundaries of the United States,  
36 Puerto Rico, the United States Virgin Islands, and any territory or~~

1 ~~insular possession subject to the jurisdiction of the United~~  
2 ~~States))~~ .

3 ((~~Executed~~)) Signed on the . . . . day of . . . . ., . . . . ,  
4 (date) (month) (year)  
5 at . . . . . ((~~/~~ . . . . .))  
6 (city or other location, and state or country) ((~~country~~))  
7 . . . . .  
8 (printed name)  
9 . . . . .  
10 (signature)

11 **Sec. 4.** RCW 5.50.900 and 2011 c 22 s 1 are each amended to read  
12 as follows:  
13 This chapter may be cited as the uniform unsworn ((~~foreign~~))  
14 declarations act.

15 **Sec. 5.** RCW 5.50.901 and 2011 c 22 s 7 are each amended to read  
16 as follows:  
17 In applying and construing this uniform act and chapter,  
18 consideration must be given to the need to promote uniformity of the  
19 law with respect to its subject matter among states that enact it.

20 NEW SECTION. **Sec. 6.** RCW 9A.72.085 (Unsworn statements,  
21 certification—Standards for subscribing to an unsworn statement) and  
22 2014 c 93 s 4 & 1981 c 187 s 3 are each repealed.

23 **CONFORMING AMENDMENTS**

24 **Sec. 7.** RCW 7.64.020 and 2004 c 74 s 1 are each amended to read  
25 as follows:  
26 (1) At the time of filing the complaint or any time thereafter,  
27 the plaintiff may apply to the judge or court commissioner to issue  
28 an order directing the defendant to appear and show cause why an  
29 order putting the plaintiff in immediate possession of the personal  
30 property should not be issued.  
31 (2) In support of the application, the plaintiff, or someone on  
32 the plaintiff's behalf, shall make an affidavit, or a declaration as  
33 permitted under ((~~RCW 9A.72.085~~)) chapter 5.50 RCW, showing:

1 (a) That the plaintiff is the owner of the property or is  
2 lawfully entitled to the possession of the property by virtue of a  
3 special property interest, including a security interest,  
4 specifically describing the property and interest;

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

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

10 (d) The approximate value of the property.

11 (3) The order to show cause shall state the date, time, and place  
12 of the hearing and contain a notice to the defendant that failure to  
13 promptly turn over possession of the property to the plaintiff or the  
14 sheriff, if an order awarding possession is issued under RCW  
15 7.64.035(1), may subject the defendant to being held in contempt of  
16 court.

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

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

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

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

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

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

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

36 (iv) Children of the patient who are at least eighteen years of  
37 age;

38 (v) Parents of the patient; and

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

1 (b) If the health care provider seeking informed consent for  
2 proposed health care of the patient who is not competent to consent  
3 under RCW 11.88.010(1)(e), other than a person determined to be  
4 incapacitated because he or she is under the age of majority and who  
5 is not otherwise authorized to provide informed consent, makes  
6 reasonable efforts to locate and secure authorization from a  
7 competent person in the first or succeeding class and finds no such  
8 person available, authorization may be given by any person in the  
9 next class in the order of descending priority. However, no person  
10 under this section may provide informed consent to health care:

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

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

16 (c) Before any person authorized to provide informed consent on  
17 behalf of a patient not competent to consent under RCW  
18 11.88.010(1)(e), other than a person determined to be incapacitated  
19 because he or she is under the age of majority and who is not  
20 otherwise authorized to provide informed consent, exercises that  
21 authority, the person must first determine in good faith that that  
22 patient, if competent, would consent to the proposed health care. If  
23 such a determination cannot be made, the decision to consent to the  
24 proposed health care may be made only after determining that the  
25 proposed health care is in the patient's best interests.

26 (2) Informed consent for health care, including mental health  
27 care, for a patient who is not competent, as defined in RCW  
28 11.88.010(1)(e), because he or she is under the age of majority and  
29 who is not otherwise authorized to provide informed consent, may be  
30 obtained from a person authorized to consent on behalf of such a  
31 patient.

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

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

1 (ii) A person authorized by the court to consent to medical care  
2 for a child in out-of-home placement pursuant to chapter 13.32A or  
3 13.34 RCW, if any;

4 (iii) Parents of the minor patient;

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

8 (v) A competent adult representing himself or herself to be a  
9 relative responsible for the health care of such minor patient or a  
10 competent adult who has signed and dated a declaration under penalty  
11 of perjury pursuant to ((~~RCW 9A.72.085~~)) chapter 5.50 RCW stating  
12 that the adult person is a relative responsible for the health care  
13 of the minor patient. Such declaration shall be effective for up to  
14 six months from the date of the declaration.

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

20 (A) Consent is necessary for nonemergency, outpatient, primary  
21 care services, including physical examinations, vision examinations  
22 and eyeglasses, dental examinations, hearing examinations and hearing  
23 aids, immunizations, treatments for illnesses and conditions, and  
24 routine follow-up care customarily provided by a health care provider  
25 in an outpatient setting, excluding elective surgeries;

26 (B) The minor patient meets the definition of a "homeless child  
27 or youth" under the federal McKinney-Vento homeless education  
28 assistance improvements act of 2001, P.L. 107-110, January 8, 2002,  
29 115 Stat. 2005; and

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

33 (ii) A person authorized to consent to care under this subsection  
34 (2)(b) and the person's employing school or school district are not  
35 subject to administrative sanctions or civil damages resulting from  
36 the consent or nonconsent for care, any care, or payment for any  
37 care, rendered pursuant to this section. Nothing in this section  
38 prevents a health care facility or a health care provider from  
39 seeking reimbursement from other sources for care provided to a minor  
40 patient under this subsection (2)(b).

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

10 (c) A health care provider may, but is not required to, rely on  
11 the representations or declaration of a person claiming to be a  
12 relative responsible for the care of the minor patient, under (a)(v)  
13 of this subsection, or a person claiming to be authorized to consent  
14 to the health care of the minor patient under (b) of this subsection,  
15 if the health care provider does not have actual notice of the  
16 falsity of any of the statements made by the person claiming to be a  
17 relative responsible for the health care of the minor patient, or  
18 person claiming to be authorized to consent to the health care of the  
19 minor patient.

20 (d) A health care facility or a health care provider may, in its  
21 discretion, require documentation of a person's claimed status as  
22 being a relative responsible for the health care of the minor  
23 patient, or a person claiming to be authorized to consent to the  
24 health care of the minor patient under (b) of this subsection.  
25 However, there is no obligation to require such documentation.

26 (e) The health care provider or health care facility where  
27 services are rendered shall be immune from suit in any action, civil  
28 or criminal, or from professional or other disciplinary action when  
29 such reliance is based on a declaration signed under penalty of  
30 perjury pursuant to (~~RCW 9A.72.085~~) chapter 5.50 RCW stating that  
31 the adult person is a relative responsible for the health care of the  
32 minor patient under (a)(v) of this subsection, or a person claiming  
33 to be authorized to consent to the health care of the minor patient  
34 under (b) of this subsection.

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

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

1 The following persons are liable to punishment:

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

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

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

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

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

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

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

23 **Sec. 10.** RCW 9A.72.010 and 2001 c 171 s 2 are each amended to  
24 read as follows:

25 The following definitions are applicable in this chapter unless  
26 the context otherwise requires:

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

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

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



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

7 (c) It is a statement, declaration, verification, or certificate,  
8 made within or outside the state of Washington, which is certified or  
9 declared to be true under penalty of perjury as provided in ((RCW  
10 ~~9A.72.085~~)) chapter 5.50 RCW.

11 (3) An oath is "required or authorized by law" when the use of  
12 the oath is specifically provided for by statute or regulatory  
13 provision or when the oath is administered by a person authorized by  
14 state or federal law to administer oaths;

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

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

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

28 **Sec. 11.** RCW 10.25.065 and 1981 c 187 s 4 are each amended to  
29 read as follows:

30 Perjury committed outside of the state of Washington in a  
31 statement, declaration, verification, or certificate authorized by  
32 ((RCW ~~9A.72.085~~)) chapter 5.50 RCW is punishable in the county in  
33 this state in which occurs the act, transaction, matter, action, or  
34 proceeding, in relation to which the statement, declaration,  
35 verification, or certification was given or made.

36 **Sec. 12.** RCW 11.96A.250 and 2013 c 272 s 21 are each amended to  
37 read as follows:

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

7 (b) In appointing the special representative the court shall give  
8 due consideration and deference to any nomination(s) made in the  
9 petition, the special skills required in the representation, and the  
10 need for a representative who will act independently and prudently.  
11 The nomination of a person as special representative by the  
12 petitioner and the person's willingness to serve as special  
13 representative are not grounds by themselves for finding a lack of  
14 independence, however, the court may consider any interests that the  
15 nominating party may have in the estate or trust in making the  
16 determination.

17 (c) The special representative may enter into a binding agreement  
18 on behalf of the person or beneficiary. The special representative  
19 may be appointed for more than one person or class of persons if the  
20 interests of such persons or class are not in conflict. The petition  
21 must be verified. The petition and order appointing the special  
22 representative may be in the following form:

23 CAPTION PETITION FOR APPOINTMENT  
24 OF CASE OF SPECIAL REPRESENTATIVE  
25 UNDER RCW 11.96A.250

26 The undersigned petitioner petitions the court for the  
27 appointment of a special representative in accordance with RCW  
28 11.96A.250 and shows the court as follows:

29 1. Petitioner. Petitioner . . . [is the qualified and presently  
30 acting (personal representative) (trustee) of the above (estate)  
31 (trust) having been named (personal representative) (trustee) under  
32 (describe will and reference probate order or describe trust  
33 instrument)] or [is the (describe relationship of the petitioner to  
34 the party to be represented or to the matter at issue)].

35 2. Matter. A question concerning . . . has arisen as to (describe  
36 issue, for example: Related to interpretation, construction,  
37 administration, distribution). The issue is a matter as defined in

1 RCW 11.96A.030 and is appropriate for determination under RCW  
2 11.96A.210 through 11.96A.250.

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

9 4. Special Representative. The nominated special  
10 representative . . . is a lawyer licensed to practice before the  
11 courts of this state or an individual with special skill or training  
12 in the administration of estates or trusts. The nominated special  
13 representative does not have an interest in the matter and is not  
14 related to any person interested in the matter. The nominated special  
15 representative is willing to serve. The petitioner has no reason to  
16 believe that the nominated special representative will not act in an  
17 independent and prudent manner and in the best interests of the  
18 represented parties. (It is recommended that the petitioner also  
19 include information specifying the particular skills of the nominated  
20 special representative that relate to the matter in issue.)

21 5. Resolution. Petitioner desires to achieve a resolution of the  
22 questions that have arisen in this matter. Petitioner believes that  
23 proceeding in accordance with the procedures permitted under RCW  
24 11.96A.210 through 11.96A.250 would be in the best interests of the  
25 parties, including the party requiring a special representative.

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

28 (OR)

29 . . . . an individual with special skill or training in the  
30 administration of estates or trusts

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

35 DATED this . . . day of . . . . ., . . . . .

36 . . . . .

37 (Petitioner)

38 VERIFICATION

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

3 DATED . . . . ., ((20..))                      (year), at . . . . .,  
4 Washington.

5 . . . . .  
6 (Petitioner or other person  
7 having knowledge)

8 CAPTION PETITION FOR APPOINTMENT  
9 OF CASE OF SPECIAL REPRESENTATIVE  
10 UNDER RCW 11.96A.250

11 THIS MATTER having come on for hearing before this Court on  
12 Petition for Appointment of Special Representative filed herein, and  
13 it appearing that it would be in the best interests of the parties  
14 related to the matter described in the Petition to appoint a special  
15 representative to address the issues that have arisen in the matter  
16 and the Court finding that the facts stated in the Petition are true,  
17 now, therefore,

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

32 DONE IN OPEN COURT this . . . day of . . . . ., . . . .  
33 . . . . .  
34 JUDGE/COURT COMMISSIONER

35 (2) Upon appointment by the court, the special representative  
36 must file a certification made under penalty of perjury in accordance

1 with (~~RCW 9A.72.085~~) chapter 5.50 RCW that he or she (a) is not  
2 interested in the matter; (b) is not related to any person interested  
3 in the matter; (c) is willing to serve; and (d) will act  
4 independently, prudently, and in the best interests of the  
5 represented parties.

6 (3) The special representative must be a lawyer licensed to  
7 practice before the courts of this state or an individual with  
8 special skill or training in the administration of estates or trusts.  
9 The special representative may not have an interest in the matter,  
10 and may not be related to a person interested in the matter. The  
11 special representative is entitled to reasonable compensation for  
12 services that must be paid from the principal of an asset involved in  
13 the matter.

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

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

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

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

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

32 (3) Has passed a written examination as provided for in RCW  
33 18.104.080;

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

35 (5) Presents a statement by a person licensed under this chapter,  
36 other than a trainee, signed under penalty of perjury as provided in  
37 (~~RCW 9A.72.085~~) chapter 5.50 RCW, verifying that the applicant has  
38 the field experience required by rules adopted pursuant to this

1 chapter and assuming liability for any and all well construction  
2 activities of the person seeking the training license.

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

7 **Sec. 14.** RCW 18.104.097 and 1993 c 387 s 15 are each amended to  
8 read as follows:

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

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

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

16 (3) Has passed a written examination as provided for in RCW  
17 18.104.080;

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

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

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

29 **Sec. 15.** RCW 39.04.350 and 2018 c 243 s 1 are each amended to  
30 read as follows:

31 (1) Before award of a public works contract, a bidder must meet  
32 the following responsibility criteria to be considered a responsible  
33 bidder and qualified to be awarded a public works project. The bidder  
34 must:

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

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

1 (c) If applicable, have industrial insurance coverage for the  
2 bidder's employees working in Washington as required in Title 51 RCW;  
3 an employment security department number as required in Title 50 RCW;  
4 and a state excise tax registration number as required in Title 82  
5 RCW;

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

8 (e) If bidding on a public works project subject to the  
9 apprenticeship utilization requirements in RCW 39.04.320, not have  
10 been found out of compliance by the Washington state apprenticeship  
11 and training council for working apprentices out of ratio, without  
12 appropriate supervision, or outside their approved work processes as  
13 outlined in their standards of apprenticeship under chapter 49.04 RCW  
14 for the one-year period immediately preceding the date of the bid  
15 solicitation;

16 (f) Have received training on the requirements related to public  
17 works and prevailing wage under this chapter and chapter 39.12 RCW.  
18 The bidder must designate a person or persons to be trained on these  
19 requirements. The training must be provided by the department of  
20 labor and industries or by a training provider whose curriculum is  
21 approved by the department. The department, in consultation with the  
22 prevailing wage advisory committee, must determine the length of the  
23 training. Bidders that have completed three or more public works  
24 projects and have had a valid business license in Washington for  
25 three or more years are exempt from this subsection. The department  
26 of labor and industries must keep records of entities that have  
27 satisfied the training requirement or are exempt and make the records  
28 available on its web site. Responsible parties may rely on the  
29 records made available by the department regarding satisfaction of  
30 the training requirement or exemption; and

31 (g) Within the three-year period immediately preceding the date  
32 of the bid solicitation, not have been determined by a final and  
33 binding citation and notice of assessment issued by the department of  
34 labor and industries or through a civil judgment entered by a court  
35 of limited or general jurisdiction to have willfully violated, as  
36 defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or  
37 49.52 RCW.

38 (2) Before award of a public works contract, a bidder shall  
39 submit to the contracting agency a signed statement in accordance  
40 with (~~RCW 9A.72.085~~) chapter 5.50 RCW verifying under penalty of

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

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

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

13 (b) In a timely manner before the bid submittal deadline, a  
14 potential bidder may request that the state or municipality modify  
15 the supplemental criteria. The state or municipality must evaluate  
16 the information submitted by the potential bidder and respond before  
17 the bid submittal deadline. If the evaluation results in a change of  
18 the criteria, the state or municipality must issue an addendum to the  
19 bidding documents identifying the new criteria.

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

25 (d) If the state or municipality determines a bidder to be not  
26 responsible, the state or municipality must provide, in writing, the  
27 reasons for the determination. The bidder may appeal the  
28 determination within the time period specified in the bidding  
29 documents by presenting additional information to the state or  
30 municipality. The state or municipality must consider the additional  
31 information before issuing its final determination. If the final  
32 determination affirms that the bidder is not responsible, the state  
33 or municipality may not execute a contract with any other bidder  
34 until two business days after the bidder determined to be not  
35 responsible has received the final determination.

36 (4) The capital projects advisory review board created in RCW  
37 39.10.220 shall develop suggested guidelines to assist the state and  
38 municipalities in developing supplemental bidder responsibility  
39 criteria. The guidelines must be posted on the board's web site.



1       **Sec. 16.** RCW 39.26.160 and 2017 c 258 s 3 are each amended to  
2 read as follows:

3       (1) (a) After bids that are submitted in response to a competitive  
4 solicitation process are reviewed by the awarding agency, the  
5 awarding agency may:

6       (i) Reject all bids and rebid or cancel the competitive  
7 solicitation;

8       (ii) Request best and final offers from responsive and  
9 responsible bidders; or

10       (iii) Award the purchase or contract to the lowest responsive and  
11 responsible bidder.

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

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

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

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

20       (c) Whether the bidder can perform the contract within the time  
21 specified;

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

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

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

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

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

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

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

1 (c) Whether the bid provides competitive pricing, economies, and  
2 efficiencies;

3 (d) Whether the bid considers human health and environmental  
4 impacts;

5 (e) Whether the bid appropriately weighs cost and noncost  
6 considerations; and

7 (f) Life-cycle cost.

8 (4) The solicitation document must clearly set forth the  
9 requirements and criteria that the agency will apply in evaluating  
10 bid submissions. Before award of a contract, a bidder shall submit to  
11 the contracting agency a signed statement in accordance with ((RCW  
12 ~~9A.72.085~~) chapter 5.50 RCW verifying under penalty of perjury that  
13 the bidder is in compliance with the responsible bidder criteria  
14 requirement of subsection (2)(f) of this section. A contracting  
15 agency may award a contract in reasonable reliance upon such a sworn  
16 statement.

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

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

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

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

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

35 (a) A description of the off-road vehicle, including make, model,  
36 vehicle identification number or engine serial number if no vehicle  
37 identification number exists, type of body, and model year of the  
38 vehicle;

1 (b) The name and address of the person who is the registered  
2 owner of the off-road vehicle and, if the off-road vehicle is subject  
3 to a security interest, the name and address of the secured party;  
4 and

5 (c) Other information the department may require.

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

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

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

13 **Sec. 18.** RCW 46.12.530 and 2017 c 147 s 3 are each amended to  
14 read as follows:

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

19 (a) A description of the vehicle, including make, model, vehicle  
20 identification number, type of body, and the odometer reading at the  
21 time of delivery of the vehicle;

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

25 (c) Other information the department may require.

26 (2) The department may require additional information and a  
27 physical examination of the vehicle or of any class of vehicles, or  
28 either.

29 (3) The application for a certificate of title must be signed by  
30 the person applying to be the registered owner and be sworn to by  
31 that person in the manner described under ((~~RCW 9A.72.085~~)) chapter  
32 5.50 RCW. The department shall keep the application in the original,  
33 computer, or photostatic form.

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

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

38 (b) The most recent certificate of title or other satisfactory  
39 evidence of ownership.

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

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

9 **Sec. 19.** RCW 46.12.555 and 2014 c 12 s 1 are each amended to  
10 read as follows:

11 (1) The application for a quick title of a vehicle must be  
12 submitted by the owner or the owner's representative to the  
13 department, participating county auditor or other agent, or subagent  
14 appointed by the director on a form furnished or approved by the  
15 department and must contain:

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

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

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

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

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

28 (a) All fees and taxes due for an application for a certificate  
29 of title, including a quick title service fee under RCW 46.17.160;  
30 and

31 (b) The most recent certificate of title or other satisfactory  
32 evidence of ownership.

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

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

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

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

3 **Sec. 20.** RCW 46.16A.435 and 2011 c 121 s 3 are each amended to  
4 read as follows:

5 (1) The department shall establish a declaration subject to the  
6 requirements of ((RCW 9A.72.085)) chapter 5.50 RCW, which must be  
7 submitted by an off-road motorcycle owner when applying for on-road  
8 registration of the off-road motorcycle. In order to be registered  
9 for on-road use, an off-road motorcycle must travel on two wheels  
10 with a seat designed to be straddled by the operator and with  
11 handlebar-type steering control.

12 (2) Registration for on-road use of an off-road motorcycle is  
13 prohibited for dune buggies, snowmobiles, trimobiles, mopeds, pocket  
14 bikes, motor vehicles registered by the department, side-by-sides,  
15 utility vehicles, grey-market vehicles, off-road three-wheeled  
16 vehicles, and, as determined by the department, any other vehicles  
17 that were not originally certified by the manufacturer for use on  
18 public roads.

19 (3) The declaration must include the following:

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

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

29 (c) A statement that the licensed motorcycle dealer or repair  
30 shop is entitled to the full amount charged for the motorcycle safety  
31 inspection;

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

35 (e) A release signed by the owner of the off-road motorcycle and  
36 verified by the department, county auditor or other agent, or  
37 subagent appointed by the director that releases the state from any  
38 liability and outlines that the owner understands that the original

1 off-road motorcycle was not manufactured for on-road use and that it  
2 has been modified for use on public roads.

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

5 **Sec. 21.** RCW 46.20.308 and 2016 c 203 s 15 are each amended to  
6 read as follows:

7 (1) Any person who operates a motor vehicle within this state is  
8 deemed to have given consent, subject to the provisions of RCW  
9 46.61.506, to a test or tests of his or her breath for the purpose of  
10 determining the alcohol concentration in his or her breath if  
11 arrested for any offense where, at the time of the arrest, the  
12 arresting officer has reasonable grounds to believe the person had  
13 been driving or was in actual physical control of a motor vehicle  
14 while under the influence of intoxicating liquor or any drug or was  
15 in violation of RCW 46.61.503.

16 (2) The test or tests of breath shall be administered at the  
17 direction of a law enforcement officer having reasonable grounds to  
18 believe the person to have been driving or in actual physical control  
19 of a motor vehicle within this state while under the influence of  
20 intoxicating liquor or any drug or the person to have been driving or  
21 in actual physical control of a motor vehicle while having alcohol in  
22 a concentration in violation of RCW 46.61.503 in his or her system  
23 and being under the age of twenty-one. Prior to administering a  
24 breath test pursuant to this section, the officer shall inform the  
25 person of his or her right under this section to refuse the breath  
26 test, and of his or her right to have additional tests administered  
27 by any qualified person of his or her choosing as provided in RCW  
28 46.61.506. The officer shall warn the driver, in substantially the  
29 following language, that:

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

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

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

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

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

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

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

12 (3) If, following his or her arrest and receipt of warnings under  
13 subsection (2) of this section, the person arrested exercises the  
14 right, granted herein, by refusing upon the request of a law  
15 enforcement officer to submit to a test or tests of his or her  
16 breath, no test shall be given except as otherwise authorized by law.

17 (4) Nothing in subsection (1), (2), or (3) of this section  
18 precludes a law enforcement officer from obtaining a person's blood  
19 to test for alcohol, marijuana, or any drug, pursuant to a search  
20 warrant, a valid waiver of the warrant requirement, when exigent  
21 circumstances exist, or under any other authority of law. Any blood  
22 drawn for the purpose of determining the person's alcohol, marijuana  
23 levels, or any drug, is drawn pursuant to this section when the  
24 officer has reasonable grounds to believe that the person is in  
25 physical control or driving a vehicle under the influence or in  
26 violation of RCW 46.61.503.

27 (5) If, after arrest and after any other applicable conditions  
28 and requirements of this section have been satisfied, a test or tests  
29 of the person's blood or breath is administered and the test results  
30 indicate that the alcohol concentration of the person's breath or  
31 blood is 0.08 or more, or the THC concentration of the person's blood  
32 is 5.00 or more, if the person is age twenty-one or over, or that the  
33 alcohol concentration of the person's breath or blood is 0.02 or  
34 more, or the THC concentration of the person's blood is above 0.00,  
35 if the person is under the age of twenty-one, or the person refuses  
36 to submit to a test, the arresting officer or other law enforcement  
37 officer at whose direction any test has been given, or the  
38 department, where applicable, if the arrest results in a test of the  
39 person's blood, shall:

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

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

9 (c) Serve notice in writing that the license or permit, if any,  
10 is a temporary license that is valid for thirty days from the date of  
11 arrest or from the date notice has been given in the event notice is  
12 given by the department following a blood test, or until the  
13 suspension, revocation, or denial of the person's license, permit, or  
14 privilege to drive is sustained at a hearing pursuant to subsection  
15 (7) of this section, whichever occurs first. No temporary license is  
16 valid to any greater degree than the license or permit that it  
17 replaces; and

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

22 (i) That the officer had reasonable grounds to believe the  
23 arrested person had been driving or was in actual physical control of  
24 a motor vehicle within this state while under the influence of  
25 intoxicating liquor or drugs, or both, or was under the age of  
26 twenty-one years and had been driving or was in actual physical  
27 control of a motor vehicle while having an alcohol or THC  
28 concentration in violation of RCW 46.61.503;

29 (ii) That after receipt of any applicable warnings required by  
30 subsection (2) of this section the person refused to submit to a test  
31 of his or her breath, or a test was administered and the results  
32 indicated that the alcohol concentration of the person's breath or  
33 blood was 0.08 or more, or the THC concentration of the person's  
34 blood was 5.00 or more, if the person is age twenty-one or over, or  
35 that the alcohol concentration of the person's breath or blood was  
36 0.02 or more, or the THC concentration of the person's blood was  
37 above 0.00, if the person is under the age of twenty-one; and

38 (iii) Any other information that the director may require by  
39 rule.



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

11 (7) A person receiving notification under subsection (5)(b) of  
12 this section may, within seven days after the notice has been given,  
13 request in writing a formal hearing before the department. The person  
14 shall pay a fee of three hundred seventy-five dollars as part of the  
15 request. If the request is mailed, it must be postmarked within seven  
16 days after receipt of the notification. Upon timely receipt of such a  
17 request for a formal hearing, including receipt of the required three  
18 hundred seventy-five dollar fee, the department shall afford the  
19 person an opportunity for a hearing. The department may waive the  
20 required three hundred seventy-five dollar fee if the person is an  
21 indigent as defined in RCW 10.101.010. Except as otherwise provided  
22 in this section, the hearing is subject to and shall be scheduled and  
23 conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing  
24 shall be conducted in the county of the arrest, except that all or  
25 part of the hearing may, at the discretion of the department, be  
26 conducted by telephone or other electronic means. The hearing shall  
27 be held within thirty days, excluding Saturdays, Sundays, and legal  
28 holidays, following the date of timely receipt of such request for a  
29 formal hearing before the department or thirty days, excluding  
30 Saturdays, Sundays, and legal holidays following the date notice has  
31 been given in the event notice is given by the department following a  
32 blood test, unless otherwise agreed to by the department and the  
33 person, in which case the action by the department shall be stayed,  
34 and any valid temporary license under subsection (5) of this section  
35 extended, if the person is otherwise eligible for licensing. Unless  
36 otherwise agreed to by the department and the person, the department  
37 must give five days notice of the hearing to the person. For the  
38 purposes of this section, the scope of the hearing shall cover the  
39 issues of whether a law enforcement officer had reasonable grounds to  
40 believe the person had been driving or was in actual physical control

1 of a motor vehicle within this state while under the influence of  
2 intoxicating liquor or any drug or had been driving or was in actual  
3 physical control of a motor vehicle within this state while having  
4 alcohol in his or her system in a concentration of 0.02 or more, or  
5 THC in his or her system in a concentration above 0.00, if the person  
6 was under the age of twenty-one, whether the person was placed under  
7 arrest, and (a) whether the person refused to submit to the test or  
8 tests upon request of the officer after having been informed that  
9 such refusal would result in the revocation of the person's license,  
10 permit, or privilege to drive, or (b) if a test or tests were  
11 administered, whether the applicable requirements of this section  
12 were satisfied before the administration of the test or tests,  
13 whether the person submitted to the test or tests, or whether a test  
14 was administered pursuant to a search warrant, a valid waiver of the  
15 warrant requirement, when exigent circumstances exist, or under any  
16 other authority of law as permitted under this section, and whether  
17 the test or tests indicated that the alcohol concentration of the  
18 person's breath or blood was 0.08 or more, or the THC concentration  
19 of the person's blood was 5.00 or more, if the person was age twenty-  
20 one or over at the time of the arrest, or that the alcohol  
21 concentration of the person's breath or blood was 0.02 or more, or  
22 the THC concentration of the person's blood was above 0.00, if the  
23 person was under the age of twenty-one at the time of the arrest.  
24 Where a person is found to be in actual physical control of a motor  
25 vehicle while under the influence of intoxicating liquor or any drug  
26 or was under the age of twenty-one at the time of the arrest and was  
27 in physical control of a motor vehicle while having alcohol in his or  
28 her system in a concentration of 0.02 or THC concentration above  
29 0.00, the person may petition the hearing officer to apply the  
30 affirmative defense found in RCW 46.61.504(3) and 46.61.503(2). The  
31 driver has the burden to prove the affirmative defense by a  
32 preponderance of the evidence. The sworn report or report under a  
33 declaration authorized by (~~RCW 9A.72.085~~) chapter 5.50 RCW  
34 submitted by a law enforcement officer is prima facie evidence that  
35 the officer had reasonable grounds to believe the person had been  
36 driving or was in actual physical control of a motor vehicle within  
37 this state while under the influence of intoxicating liquor or drugs,  
38 or both, or the person had been driving or was in actual physical  
39 control of a motor vehicle within this state while having alcohol in  
40 his or her system in a concentration of 0.02 or more, or THC in his

1 or her system in a concentration above 0.00, and was under the age of  
2 twenty-one and that the officer complied with the requirements of  
3 this section.

4 A hearing officer shall conduct the hearing, may issue subpoenas  
5 for the attendance of witnesses and the production of documents, and  
6 shall administer oaths to witnesses. The hearing officer shall not  
7 issue a subpoena for the attendance of a witness at the request of  
8 the person unless the request is accompanied by the fee required by  
9 RCW 5.56.010 for a witness in district court. The sworn report or  
10 report under a declaration authorized by (~~RCW 9A.72.085~~) chapter  
11 5.50 RCW of the law enforcement officer and any other evidence  
12 accompanying the report shall be admissible without further  
13 evidentiary foundation and the certifications authorized by the  
14 criminal rules for courts of limited jurisdiction shall be admissible  
15 without further evidentiary foundation. The person may be represented  
16 by counsel, may question witnesses, may present evidence, and may  
17 testify. The department shall order that the suspension, revocation,  
18 or denial either be rescinded or sustained.

19 (8) If the suspension, revocation, or denial is sustained after  
20 such a hearing, the person whose license, privilege, or permit is  
21 suspended, revoked, or denied has the right to file a petition in the  
22 superior court of the county of arrest to review the final order of  
23 revocation by the department in the same manner as an appeal from a  
24 decision of a court of limited jurisdiction. Notice of appeal must be  
25 filed within thirty days after the date the final order is served or  
26 the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ  
27 1.1, or other statutes or rules referencing de novo review, the  
28 appeal shall be limited to a review of the record of the  
29 administrative hearing. The appellant must pay the costs associated  
30 with obtaining the record of the hearing before the hearing officer.  
31 The filing of the appeal does not stay the effective date of the  
32 suspension, revocation, or denial. A petition filed under this  
33 subsection must include the petitioner's grounds for requesting  
34 review. Upon granting petitioner's request for review, the court  
35 shall review the department's final order of suspension, revocation,  
36 or denial as expeditiously as possible. The review must be limited to  
37 a determination of whether the department has committed any errors of  
38 law. The superior court shall accept those factual determinations  
39 supported by substantial evidence in the record: (a) That were  
40 expressly made by the department; or (b) that may reasonably be

1 inferred from the final order of the department. The superior court  
2 may reverse, affirm, or modify the decision of the department or  
3 remand the case back to the department for further proceedings. The  
4 decision of the superior court must be in writing and filed in the  
5 clerk's office with the other papers in the case. The court shall  
6 state the reasons for the decision. If judicial relief is sought for  
7 a stay or other temporary remedy from the department's action, the  
8 court shall not grant such relief unless the court finds that the  
9 appellant is likely to prevail in the appeal and that without a stay  
10 the appellant will suffer irreparable injury. If the court stays the  
11 suspension, revocation, or denial it may impose conditions on such  
12 stay.

13 (9) (a) If a person whose driver's license, permit, or privilege  
14 to drive has been or will be suspended, revoked, or denied under  
15 subsection (6) of this section, other than as a result of a breath  
16 test refusal, and who has not committed an offense for which he or  
17 she was granted a deferred prosecution under chapter 10.05 RCW,  
18 petitions a court for a deferred prosecution on criminal charges  
19 arising out of the arrest for which action has been or will be taken  
20 under subsection (6) of this section, or notifies the department of  
21 licensing of the intent to seek such a deferred prosecution, then the  
22 license suspension or revocation shall be stayed pending entry of the  
23 deferred prosecution. The stay shall not be longer than one hundred  
24 fifty days after the date charges are filed, or two years after the  
25 date of the arrest, whichever time period is shorter. If the court  
26 stays the suspension, revocation, or denial, it may impose conditions  
27 on such stay. If the person is otherwise eligible for licensing, the  
28 department shall issue a temporary license, or extend any valid  
29 temporary license under subsection (5) of this section, for the  
30 period of the stay. If a deferred prosecution treatment plan is not  
31 recommended in the report made under RCW 10.05.050, or if treatment  
32 is rejected by the court, or if the person declines to accept an  
33 offered treatment plan, or if the person violates any condition  
34 imposed by the court, then the court shall immediately direct the  
35 department to cancel the stay and any temporary license or extension  
36 of a temporary license issued under this subsection.

37 (b) A suspension, revocation, or denial imposed under this  
38 section, other than as a result of a breath test refusal, shall be  
39 stayed if the person is accepted for deferred prosecution as provided  
40 in chapter 10.05 RCW for the incident upon which the suspension,

1 revocation, or denial is based. If the deferred prosecution is  
2 terminated, the stay shall be lifted and the suspension, revocation,  
3 or denial reinstated. If the deferred prosecution is completed, the  
4 stay shall be lifted and the suspension, revocation, or denial  
5 canceled.

6 (c) The provisions of (b) of this subsection relating to a stay  
7 of a suspension, revocation, or denial and the cancellation of any  
8 suspension, revocation, or denial do not apply to the suspension,  
9 revocation, denial, or disqualification of a person's commercial  
10 driver's license or privilege to operate a commercial motor vehicle.

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

17 **Sec. 22.** RCW 46.20.720 and 2017 c 336 s 5 are each amended to  
18 read as follows:

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

22 (a) **Pretrial release.** Upon receipt of notice from a court that an  
23 ignition interlock device restriction has been imposed under RCW  
24 10.21.055;

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

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

30 (i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance;  
31 or

32 (ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance  
33 if the person would be required under RCW 46.61.5249(4) or  
34 46.61.500(3) (a) or (b) to install an ignition interlock device on  
35 all vehicles operated by the person in the event of a conviction;

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

1 (i) Due to a conviction of a violation of RCW 46.61.502 or  
2 46.61.504 or an equivalent local or out-of-state statute or  
3 ordinance; or

4 (ii) Due to a conviction of a violation of RCW 46.61.5249 or  
5 46.61.500 or an equivalent local ordinance if the person is required  
6 under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an  
7 ignition interlock device on all vehicles operated by the person; or

8 (e) **Court order.** Upon receipt of an order by a court having  
9 jurisdiction that a person charged or convicted of any offense  
10 involving the use, consumption, or possession of alcohol while  
11 operating a motor vehicle may drive only a motor vehicle equipped  
12 with a functioning ignition interlock. The court shall establish a  
13 specific calibration setting at which the ignition interlock will  
14 prevent the vehicle from being started. The court shall also  
15 establish the period of time for which ignition interlock use will be  
16 required.

17 (2) **Calibration.** Unless otherwise specified by the court for a  
18 restriction imposed under subsection (1)(e) of this section, the  
19 ignition interlock device shall be calibrated to prevent the motor  
20 vehicle from being started when the breath sample provided has an  
21 alcohol concentration of 0.025 or more.

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

23 (a) Subsection (1)(a) of this section shall remain in effect  
24 until:

25 (i) The court has authorized the removal of the device under RCW  
26 10.21.055; or

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

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

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

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

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

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

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

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

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

10 The period of restriction under (c) and (d) of this subsection  
11 based on incidents occurring on or after June 9, 2016, must be tolled  
12 for any period in which the person does not have an ignition  
13 interlock device installed on a vehicle owned or operated by the  
14 person unless the person receives a determination from the department  
15 that the person is unable to operate an ignition interlock device due  
16 to a physical disability. The department's determination that a  
17 person is unable to operate an ignition interlock device must be  
18 reasonable and be based upon good and substantial evidence. This  
19 determination is subject to review by a court of competent  
20 jurisdiction. The department may charge a person seeking a medical  
21 exemption under this subsection a reasonable fee for the assessment.

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

29 (a) Any attempt to start the vehicle with a breath alcohol  
30 concentration of 0.04 or more unless a subsequent test performed  
31 within ten minutes registers a breath alcohol concentration lower  
32 than 0.04 and the digital image confirms the same person provided  
33 both samples;

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

37 (c) Failure to pass any random retest with a breath alcohol  
38 concentration of 0.025 or lower unless a subsequent test performed  
39 within ten minutes registers a breath alcohol concentration lower

1 than 0.025, and the digital image confirms the same person provided  
2 both samples; or

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

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

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

17 (c) If the day-for-day credit granted under this subsection  
18 equals or exceeds the period of time the ignition interlock device  
19 restriction is imposed under subsection (1)(c) or (d) of this section  
20 arising out of the same incident, and the person has already met the  
21 requirements for removal of the device under subsection (4) of this  
22 section, the department may waive the requirement that a device be  
23 installed or that the person again meet the requirements for removal.

24 (6) **Employer exemption.** (a) Except as provided in (b) of this  
25 subsection, the installation of an ignition interlock device is not  
26 necessary on vehicles owned, leased, or rented by a person's employer  
27 and on those vehicles whose care and/or maintenance is the temporary  
28 responsibility of the employer, and driven at the direction of a  
29 person's employer as a requirement of employment during working  
30 hours. The person must provide the department with a declaration  
31 pursuant to (~~RCW 9A.72.085~~) chapter 5.50 RCW from his or her  
32 employer stating that the person's employment requires the person to  
33 operate a vehicle owned by the employer or other persons during  
34 working hours.

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

38 (7) **Ignition interlock device revolving account.** In addition to  
39 any other costs associated with the use of an ignition interlock  
40 device imposed on the person restricted under this section, the



1 person shall pay an additional fee of twenty dollars per month.  
2 Payments must be made directly to the ignition interlock company. The  
3 company shall remit the additional fee to the department to be  
4 deposited into the ignition interlock device revolving account,  
5 except that the company may retain twenty-five cents per month of the  
6 additional fee to cover the expenses associated with administering  
7 the fee. The department may waive the monthly fee if the person is  
8 indigent under RCW 10.101.010.

9 (8) **Foreign jurisdiction.** For a person restricted under this  
10 section who is residing outside of the state of Washington, the  
11 department may accept verification of installation of an ignition  
12 interlock device by an ignition interlock company authorized to do  
13 business in the jurisdiction in which the person resides, provided  
14 the device meets any applicable requirements of that jurisdiction.  
15 The department may waive the monthly fee required by subsection (7)  
16 of this section if collection of the fee would be impractical in the  
17 case of a person residing in another jurisdiction.

18 **Sec. 23.** RCW 47.68.250 and 2017 3rd sp.s. c 25 s 44 are each  
19 amended to read as follows:

20 (1) Every aircraft must be registered with the department for  
21 each calendar year in which the aircraft is operated or is based  
22 within this state. A fee of fifteen dollars is charged for each such  
23 registration and each annual renewal thereof.

24 (2) Possession of the appropriate effective federal certificate,  
25 permit, rating, or license relating to ownership and airworthiness of  
26 the aircraft, and payment of the excise tax imposed by Title 82 RCW  
27 for the privilege of using the aircraft within this state during the  
28 year for which the registration is sought, and payment of the  
29 registration fee required by this section are the only requisites for  
30 registration of an aircraft under this section.

31 (3) The registration fee imposed by this section is payable to  
32 and collected by the secretary. The fee for any calendar year must be  
33 paid during the month of January, and must be collected by the  
34 secretary at the time of the collection by him or her of the excise  
35 tax. If the secretary is satisfied that the requirements for  
36 registration of the aircraft have been met, he or she must issue to  
37 the owner of the aircraft a certificate of registration therefor. The  
38 secretary must pay to the state treasurer the registration fees

1 collected under this section, which registration fees must be  
2 credited to the aeronautics account.

3 (4) It is not necessary for the registrant to provide the  
4 secretary with originals or copies of federal certificates, permits,  
5 ratings, or licenses. The secretary must issue certificates of  
6 registration, or such other evidences of registration or payment of  
7 fees as he or she may deem proper; and in connection therewith may  
8 prescribe requirements for the possession and exhibition of such  
9 certificates or other evidences.

10 (5) The provisions of this section do not apply to:

11 (a) An aircraft owned by and used exclusively in the service of  
12 any government or any political subdivision thereof, including the  
13 government of the United States, any state, territory, or possession  
14 of the United States, or the District of Columbia, which is not  
15 engaged in carrying persons or property for commercial purposes;

16 (b) An aircraft registered under the laws of a foreign country;

17 (c) An aircraft that is owned by a nonresident if:

18 (i) The aircraft remains in this state or is based in this state,  
19 or both, for a period less than ninety days; or

20 (ii) The aircraft is a large private airplane as defined in RCW  
21 82.08.215 and remains in this state for a period of ninety days or  
22 longer, but only when:

23 (A) The airplane is in this state exclusively for the purpose of  
24 repairs, alterations, or reconstruction, including any flight testing  
25 related to the repairs, alterations, or reconstruction, or for the  
26 purpose of continual storage of not less than one full calendar year;

27 (B) An employee of the facility providing these services is on  
28 board the airplane during any flight testing; and

29 (C) Within ninety days of the date the airplane first arrived in  
30 this state during the calendar year, the nonresident files a written  
31 statement with the department indicating that the airplane is exempt  
32 from registration under this subsection (5)(c)(ii). The written  
33 statement must be filed in a form and manner prescribed by the  
34 department and must include such information as the department  
35 requires. The department may require additional periodic verification  
36 that the airplane remains exempt from registration under this  
37 subsection (5)(c)(ii) and that written statements conform with the  
38 provisions of (~~RCW 9A.72.085~~) chapter 5.50 RCW;

39 (d) An aircraft engaged principally in commercial flying  
40 constituting an act of interstate or foreign commerce;

1 (e) An aircraft owned by the commercial manufacturer thereof  
2 while being operated for test or experimental purposes, or for the  
3 purpose of training crews for purchasers of the aircraft;

4 (f) An aircraft being held for sale, exchange, delivery, test, or  
5 demonstration purposes solely as stock in trade of an aircraft dealer  
6 licensed under Title 14 RCW; and

7 (g) An aircraft based within the state that is in an unairworthy  
8 condition, is not operated within the registration period, and has  
9 obtained a written exemption issued by the secretary.

10 (6) The secretary must be notified within thirty days of any  
11 change in ownership of a registered aircraft. The notification must  
12 contain the N, NC, NR, NL, or NX number of the aircraft, the full  
13 name and address of the former owner, and the full name and address  
14 of the new owner. For failure to so notify the secretary, the  
15 registration of that aircraft may be canceled by the secretary,  
16 subject to reinstatement upon application and payment of a  
17 reinstatement fee of ten dollars by the new owner.

18 (7) A municipality or port district that owns, operates, or  
19 leases an airport, as defined in RCW 47.68.020, with the intent to  
20 operate, must require from an aircraft owner proof of aircraft  
21 registration as a condition of leasing or selling tiedown or hangar  
22 space for an aircraft. It is the responsibility of the lessee or  
23 purchaser to register the aircraft. Proof of registration must be  
24 provided according to the following schedule:

25 (a) For the purchase of tiedown or hangar space, the municipality  
26 or port district must allow the purchaser thirty days from the date  
27 of the application for purchase to produce proof of aircraft  
28 registration.

29 (b) For the lease of tiedown or hangar space that extends thirty  
30 days or more, the municipality or port district must allow the lessee  
31 thirty days to produce proof of aircraft registration from the date  
32 of the application for lease of tiedown or hangar space.

33 (c) For the lease of tiedown or hangar space that extends less  
34 than thirty days, the municipality or port district must allow the  
35 lessee to produce proof of aircraft registration at any point prior  
36 to the final day of the lease.

37 (8) The airport must work with the aviation division to assist in  
38 its efforts to register aircraft by providing information about based  
39 aircraft on an annual basis as requested by the division.

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

3       As used in this chapter:

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

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

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

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

1 control search, all based on at least seven years of address history  
2 and alias information provided by the prospective tenant or available  
3 in the consumer credit report.

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

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

7 (7) "Distressed home conveyance" has the same meaning as in RCW  
8 61.34.020.

9 (8) "Distressed home purchaser" has the same meaning as in RCW  
10 61.34.020.

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

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

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

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

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

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

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

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

39 (i) The mortgagee;

1 (ii) A person licensed or required to be licensed under chapter  
2 19.134 RCW;

3 (iii) A person licensed or required to be licensed under chapter  
4 19.146 RCW;

5 (iv) A person licensed or required to be licensed under chapter  
6 18.85 RCW;

7 (v) An attorney-at-law;

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

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

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

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

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

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

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

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

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

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

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

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

1 (22) "Qualified inspector" means a United States department of  
2 housing and urban development certified inspector; a Washington state  
3 licensed home inspector; an American society of home inspectors  
4 certified inspector; a private inspector certified by the national  
5 association of housing and redevelopment officials, the American  
6 association of code enforcement, or other comparable professional  
7 association as approved by the local municipality; a municipal code  
8 enforcement officer; a Washington licensed structural engineer; or a  
9 Washington licensed architect.

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

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

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

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

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

36 (28) "Tenant representative" means:

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

39 (b) If the landlord has no knowledge that a personal  
40 representative has been appointed for the deceased tenant's estate, a

1 person claiming to be a successor of the deceased tenant who has  
2 provided the landlord with proof of death and an affidavit made by  
3 the person that meets the requirements of RCW 11.62.010(2);

4 (c) In the absence of a personal representative under (a) of this  
5 subsection or a person claiming to be a successor under (b) of this  
6 subsection, a designated person; or

7 (d) In the absence of a personal representative under (a) of this  
8 subsection, a person claiming to be a successor under (b) of this  
9 subsection, or a designated person under (c) of this subsection, any  
10 person who provides the landlord with reasonable evidence that he or  
11 she is a successor of the deceased tenant as defined in RCW  
12 11.62.005. The landlord has no obligation to identify all of the  
13 deceased tenant's successors.

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

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

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

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

26 (2) The evaluator must prepare a report that includes  
27 consideration of whether:

28 (a) The committed person currently meets the definition of a  
29 sexually violent predator;

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

32 (c) Conditions can be imposed that would adequately protect the  
33 community.

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

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



1 (5) The department shall file the report with the court that  
2 committed the person under this chapter. The report shall be in the  
3 form of a declaration or certification in compliance with the  
4 requirements of (~~RCW 9A.72.085~~) chapter 5.50 RCW and shall be  
5 prepared by a professionally qualified person as defined by rules  
6 adopted by the secretary. A copy of the report shall be served on the  
7 prosecuting agency involved in the initial commitment and upon the  
8 committed person and his or her counsel.

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

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

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

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

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

36 (1) Upon the filing of an application, the commission shall give  
37 reasonable notice to the department, affected cities, counties, and  
38 public transportation benefit areas and any common carrier which  
39 might be adversely affected, of the time and place for hearing on

1 such application. The commission may, after notice and an opportunity  
2 for a hearing, issue the certificate as prayed for, or refuse to  
3 issue it, or issue it for the partial exercise only of the privilege  
4 sought, and may attach to the exercise of the rights granted by the  
5 certificate any terms and conditions as in its judgment the public  
6 convenience and necessity may require; but the commission may not  
7 grant a certificate to operate between districts or into any  
8 territory prohibited by RCW 47.60.120 or already served by an  
9 existing certificate holder, unless the existing certificate holder  
10 has failed or refused to furnish reasonable and adequate service, has  
11 failed to provide the service described in its certificate or tariffs  
12 after the time allowed to initiate service has elapsed, or has not  
13 objected to the issuance of the certificate as prayed for.

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

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

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

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

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

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

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

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

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

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

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

22       (b) The most recent certificate of title or other satisfactory  
23 evidence of ownership.

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

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

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

35       NEW SECTION.   **Sec. 28.** Section 23 of this act expires July 1,  
36 2021.

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