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HOUSE BILL 2421

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State of Washington                      61st Legislature                      2010 Regular Session

By Representatives Pedersen, Kagi, Chase, Roberts, Rolfes, Upthegrove, Carlyle, Green, Goodman, Kenney, Ormsby, and Moeller

Prefiled 12/07/09. Read first time 01/11/10. Referred to Committee on Judiciary.

1            AN ACT Relating to third-party visitation; amending RCW 26.10.160;  
2 adding a new chapter to Title 26 RCW; and repealing RCW 26.09.240.

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

4            NEW SECTION.    **Sec. 1.** (1) Except as provided in subsection (2) of  
5 this section, a person who is not the parent of the child may petition  
6 for visitation with the child if the person has established an ongoing  
7 and substantial relationship with the child.

8            (2) A person may not petition for visitation with a child if the  
9 child's two parents, living together with the child, agree that  
10 visitation should not be granted. For the purposes of this chapter  
11 "parent" means a biological, adoptive, or adjudicated parent.

12            (3) A person has established an ongoing and substantial  
13 relationship with a child if the person and the child have had a  
14 relationship with substantial continuity for at least one year through  
15 interaction, companionship, and mutuality, without expectation of  
16 financial compensation.

17            NEW SECTION.    **Sec. 2.** (1) A petition for visitation under section

1 of this act must be filed in the county where the child primarily  
2 resides.

3 (2) The petitioner may not file a petition for visitation more than  
4 once, unless:

5 (a) At least two years have passed since the final order issued on  
6 the previous petition for visitation; and

7 (b) The petitioner shows there has been a substantial change in  
8 circumstances of the nonmoving party or the child based on facts that  
9 have arisen since, or facts that were unknown to the court at the time  
10 of, the order issued on the previous petition for visitation.

11 (3) The petitioner must file with the petition an affidavit  
12 alleging that:

13 (a) A sufficient relationship with the child exists or existed  
14 before interference by the respondent; and

15 (b) The child would likely suffer harm or the substantial risk of  
16 harm if visitation between the petitioner and child were not granted.

17 (4) The petitioner shall set forth facts in the affidavit  
18 supporting the petitioner's requested order for visitation.

19 (5) The petitioner shall serve notice of the filing to each person  
20 having legal custody of, or court-ordered residential time with, the  
21 child. A person having legal custody or residential time may file an  
22 opposing affidavit.

23 (6) If, based on the petition and affidavits, the court finds that  
24 it is more likely than not that visitation will be granted, the court  
25 shall hold a hearing.

26 (7) The court may not enter any temporary orders to establish,  
27 enforce, or modify visitation under this section.

28 NEW SECTION. **Sec. 3.** (1)(a) At a hearing pursuant to section 2(6)  
29 of this act, the court shall enter an order granting visitation if it  
30 finds that the child would likely suffer harm or the substantial risk  
31 of harm if visitation between the petitioner and the child is not  
32 granted and that granting visitation between the child and petitioner  
33 is in the best interest of the child.

34 (b) An order granting visitation does not confer upon the person  
35 the rights and duties of a parent.

36 (2) In making its determination, the court shall consider the  
37 respondent's reasons for denying visitation. It is presumed that a fit

1 parent's decision to deny visitation is in the best interest of the  
2 child and does not create a likelihood of harm or a substantial risk of  
3 harm to the child.

4 (3) To rebut the presumption, the petitioner must prove by clear  
5 and convincing evidence that the child would likely suffer harm or the  
6 substantial risk of harm if visitation between the petitioner and the  
7 child were not granted.

8 (4) If the court finds that the petitioner has met the standard for  
9 rebutting the presumption, or if there is no presumption because no  
10 parent has custody of the child, the court shall consider whether it is  
11 in the best interest of the child to enter an order granting  
12 visitation. The petitioner must prove by clear and convincing evidence  
13 that visitation is in the child's best interest. In determining  
14 whether it is in the best interest of the child, the court shall  
15 consider the following, nonexclusive factors:

16 (a) The love, affection, and strength of the current relationship  
17 between the child and the petitioner and how the relationship is  
18 beneficial to the child;

19 (b) The length and quality of the prior relationship between the  
20 child and the petitioner before the respondent denied visitation,  
21 including the role performed by the petitioner and the emotional ties  
22 that existed between the child and the petitioner;

23 (c) The relationship between the petitioner and the respondent;

24 (d) The nature and reason for the respondent's objection to  
25 granting the petitioner visitation;

26 (e) The effect that granting visitation will have on the  
27 relationship between the child and the respondent;

28 (f) The residential time-sharing arrangements between the parties  
29 having residential time with the child;

30 (g) The good faith of the petitioner and respondent;

31 (h) Any history of physical, emotional, or sexual abuse or neglect  
32 by the petitioner, or any history of physical, emotional, or sexual  
33 abuse or neglect by a person residing with the petitioner if visitation  
34 would involve contact between the child and the person with such  
35 history;

36 (i) The child's reasonable preference, if the court considers the  
37 child to be of sufficient age to express a preference; and

38 (j) Any other factor relevant to the child's best interest.

1        NEW SECTION.    **Sec. 4.**    (1)(a) For the purposes of sections 1  
2 through 3 of this act, the court shall, on motion of the respondent,  
3 order the petitioner to pay reasonable attorneys' fees to the  
4 respondent in advance and prior to any hearing, unless the court finds  
5 that no financial hardship will be imposed upon the respondent.

6        (b) The court may, on its own motion or the motion of the  
7 respondent, order the petitioner to pay reasonable attorneys' fees and  
8 costs to the respondent regardless of the outcome of the petition.

9        (2) If visitation is granted, the court shall order the petitioner  
10 to pay all transportation costs associated with visitation.

11       NEW SECTION.    **Sec. 5.**    (1) A court may not modify or terminate an  
12 order granting visitation under section 3 of this act unless it finds,  
13 on the basis of facts that have arisen since the entry of the order or  
14 were unknown to the court at the time it entered the order, that a  
15 substantial change of circumstances has occurred in the circumstances  
16 of the child or nonmoving party and that modification or termination of  
17 the order is necessary for the best interest of the child.

18        (2) The petitioner must file a petition for modification or  
19 termination in the county where the child primarily resides.

20        (3) The petitioner must file with the petition an affidavit  
21 alleging that, on the basis of facts that have arisen since the entry  
22 of the order or were unknown to the court at the time it entered the  
23 order, there is a substantial change of circumstances of the child or  
24 nonmoving party and that modification or termination of the order is  
25 necessary for the best interest of the child. The petitioner shall set  
26 forth facts in the affidavit supporting the petitioner's requested  
27 order.

28        (4) The petitioner shall serve notice of the petition to each  
29 person having legal custody of, or court-ordered residential time or  
30 court-ordered visitation with, the child. A person having legal  
31 custody or residential or visitation time may file an opposing  
32 affidavit.

33        (5) If, based on the petition and affidavits, the court finds that  
34 it is more likely than not that a modification or termination will be  
35 granted, the court shall hold a hearing.

36        (6) The court may award reasonable attorneys' fees and costs to  
37 either party.

1       **Sec. 6.** RCW 26.10.160 and 2004 c 38 s 13 are each amended to read  
2 as follows:

3       (1) A parent not granted custody of the child is entitled to  
4 reasonable visitation rights except as provided in subsection (2) of  
5 this section.

6       (2)(a) Visitation with the child shall be limited if it is found  
7 that the parent seeking visitation has engaged in any of the following  
8 conduct: (i) Willful abandonment that continues for an extended period  
9 of time or substantial refusal to perform parenting functions; (ii)  
10 physical, sexual, or a pattern of emotional abuse of a child; (iii) a  
11 history of acts of domestic violence as defined in RCW 26.50.010(1) or  
12 an assault or sexual assault which causes grievous bodily harm or the  
13 fear of such harm; or (iv) the parent has been convicted as an adult of  
14 a sex offense under:

15       (A) RCW 9A.44.076 if, because of the difference in age between the  
16 offender and the victim, no rebuttable presumption exists under (d) of  
17 this subsection;

18       (B) RCW 9A.44.079 if, because of the difference in age between the  
19 offender and the victim, no rebuttable presumption exists under (d) of  
20 this subsection;

21       (C) RCW 9A.44.086 if, because of the difference in age between the  
22 offender and the victim, no rebuttable presumption exists under (d) of  
23 this subsection;

24       (D) RCW 9A.44.089;

25       (E) RCW 9A.44.093;

26       (F) RCW 9A.44.096;

27       (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age  
28 between the offender and the victim, no rebuttable presumption exists  
29 under (d) of this subsection;

30       (H) Chapter 9.68A RCW;

31       (I) Any predecessor or antecedent statute for the offenses listed  
32 in (a)(iv)(A) through (H) of this subsection;

33       (J) Any statute from any other jurisdiction that describes an  
34 offense analogous to the offenses listed in (a)(iv)(A) through (H) of  
35 this subsection.

36       This subsection (2)(a) shall not apply when (c) or (d) of this  
37 subsection applies.

1 (b) The parent's visitation with the child shall be limited if it  
2 is found that the parent resides with a person who has engaged in any  
3 of the following conduct: (i) Physical, sexual, or a pattern of  
4 emotional abuse of a child; (ii) a history of acts of domestic violence  
5 as defined in RCW 26.50.010(1) or an assault or sexual assault that  
6 causes grievous bodily harm or the fear of such harm; or (iii) the  
7 person has been convicted as an adult or as a juvenile has been  
8 adjudicated of a sex offense under:

9 (A) RCW 9A.44.076 if, because of the difference in age between the  
10 offender and the victim, no rebuttable presumption exists under (e) of  
11 this subsection;

12 (B) RCW 9A.44.079 if, because of the difference in age between the  
13 offender and the victim, no rebuttable presumption exists under (e) of  
14 this subsection;

15 (C) RCW 9A.44.086 if, because of the difference in age between the  
16 offender and the victim, no rebuttable presumption exists under (e) of  
17 this subsection;

18 (D) RCW 9A.44.089;

19 (E) RCW 9A.44.093;

20 (F) RCW 9A.44.096;

21 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age  
22 between the offender and the victim, no rebuttable presumption exists  
23 under (e) of this subsection;

24 (H) Chapter 9.68A RCW;

25 (I) Any predecessor or antecedent statute for the offenses listed  
26 in (b)(iii)(A) through (H) of this subsection;

27 (J) Any statute from any other jurisdiction that describes an  
28 offense analogous to the offenses listed in (b)(iii)(A) through (H) of  
29 this subsection.

30 This subsection (2)(b) shall not apply when (c) or (e) of this  
31 subsection applies.

32 (c) If a parent has been found to be a sexual predator under  
33 chapter 71.09 RCW or under an analogous statute of any other  
34 jurisdiction, the court shall restrain the parent from contact with a  
35 child that would otherwise be allowed under this chapter. If a parent  
36 resides with an adult or a juvenile who has been found to be a sexual  
37 predator under chapter 71.09 RCW or under an analogous statute of any

1 other jurisdiction, the court shall restrain the parent from contact  
2 with the parent's child except contact that occurs outside that  
3 person's presence.

4 (d) There is a rebuttable presumption that a parent who has been  
5 convicted as an adult of a sex offense listed in (d)(i) through (ix) of  
6 this subsection poses a present danger to a child. Unless the parent  
7 rebuts this presumption, the court shall restrain the parent from  
8 contact with a child that would otherwise be allowed under this  
9 chapter:

10 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted  
11 was at least five years older than the other person;

12 (ii) RCW 9A.44.073;

13 (iii) RCW 9A.44.076, provided that the person convicted was at  
14 least eight years older than the victim;

15 (iv) RCW 9A.44.079, provided that the person convicted was at least  
16 eight years older than the victim;

17 (v) RCW 9A.44.083;

18 (vi) RCW 9A.44.086, provided that the person convicted was at least  
19 eight years older than the victim;

20 (vii) RCW 9A.44.100;

21 (viii) Any predecessor or antecedent statute for the offenses  
22 listed in (d)(i) through (vii) of this subsection;

23 (ix) Any statute from any other jurisdiction that describes an  
24 offense analogous to the offenses listed in (d)(i) through (vii) of  
25 this subsection.

26 (e) There is a rebuttable presumption that a parent who resides  
27 with a person who, as an adult, has been convicted, or as a juvenile  
28 has been adjudicated, of the sex offenses listed in (e)(i) through (ix)  
29 of this subsection places a child at risk of abuse or harm when that  
30 parent exercises visitation in the presence of the convicted or  
31 adjudicated person. Unless the parent rebuts the presumption, the  
32 court shall restrain the parent from contact with the parent's child  
33 except for contact that occurs outside of the convicted or adjudicated  
34 person's presence:

35 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted  
36 was at least five years older than the other person;

37 (ii) RCW 9A.44.073;

1 (iii) RCW 9A.44.076, provided that the person convicted was at  
2 least eight years older than the victim;

3 (iv) RCW 9A.44.079, provided that the person convicted was at least  
4 eight years older than the victim;

5 (v) RCW 9A.44.083;

6 (vi) RCW 9A.44.086, provided that the person convicted was at least  
7 eight years older than the victim;

8 (vii) RCW 9A.44.100;

9 (viii) Any predecessor or antecedent statute for the offenses  
10 listed in (e)(i) through (vii) of this subsection;

11 (ix) Any statute from any other jurisdiction that describes an  
12 offense analogous to the offenses listed in (e)(i) through (vii) of  
13 this subsection.

14 (f) The presumption established in (d) of this subsection may be  
15 rebutted only after a written finding that:

16 (i) If the child was not the victim of the sex offense committed by  
17 the parent requesting visitation, (A) contact between the child and the  
18 offending parent is appropriate and poses minimal risk to the child,  
19 and (B) the offending parent has successfully engaged in treatment for  
20 sex offenders or is engaged in and making progress in such treatment,  
21 if any was ordered by a court, and the treatment provider believes such  
22 contact is appropriate and poses minimal risk to the child; or

23 (ii) If the child was the victim of the sex offense committed by  
24 the parent requesting visitation, (A) contact between the child and the  
25 offending parent is appropriate and poses minimal risk to the child,  
26 (B) if the child is in or has been in therapy for victims of sexual  
27 abuse, the child's counselor believes such contact between the child  
28 and the offending parent is in the child's best interest, and (C) the  
29 offending parent has successfully engaged in treatment for sex  
30 offenders or is engaged in and making progress in such treatment, if  
31 any was ordered by a court, and the treatment provider believes such  
32 contact is appropriate and poses minimal risk to the child.

33 (g) The presumption established in (e) of this subsection may be  
34 rebutted only after a written finding that:

35 (i) If the child was not the victim of the sex offense committed by  
36 the person who is residing with the parent requesting visitation, (A)  
37 contact between the child and the parent residing with the convicted or  
38 adjudicated person is appropriate and that parent is able to protect



1 the child in the presence of the convicted or adjudicated person, and  
2 (B) the convicted or adjudicated person has successfully engaged in  
3 treatment for sex offenders or is engaged in and making progress in  
4 such treatment, if any was ordered by a court, and the treatment  
5 provider believes such contact is appropriate and poses minimal risk to  
6 the child; or

7 (ii) If the child was the victim of the sex offense committed by  
8 the person who is residing with the parent requesting visitation, (A)  
9 contact between the child and the parent in the presence of the  
10 convicted or adjudicated person is appropriate and poses minimal risk  
11 to the child, (B) if the child is in or has been in therapy for victims  
12 of sexual abuse, the child's counselor believes such contact between  
13 the child and the parent residing with the convicted or adjudicated  
14 person in the presence of the convicted or adjudicated person is in the  
15 child's best interest, and (C) the convicted or adjudicated person has  
16 successfully engaged in treatment for sex offenders or is engaged in  
17 and making progress in such treatment, if any was ordered by a court,  
18 and the treatment provider believes contact between the parent and  
19 child in the presence of the convicted or adjudicated person is  
20 appropriate and poses minimal risk to the child.

21 (h) If the court finds that the parent has met the burden of  
22 rebutting the presumption under (f) of this subsection, the court may  
23 allow a parent who has been convicted as an adult of a sex offense  
24 listed in (d)(i) through (ix) of this subsection to have visitation  
25 with the child supervised by a neutral and independent adult and  
26 pursuant to an adequate plan for supervision of such visitation. The  
27 court shall not approve of a supervisor for contact between the child  
28 and the parent unless the court finds, based on the evidence, that the  
29 supervisor is willing and capable of protecting the child from harm.  
30 The court shall revoke court approval of the supervisor upon finding,  
31 based on the evidence, that the supervisor has failed to protect the  
32 child or is no longer willing or capable of protecting the child.

33 (i) If the court finds that the parent has met the burden of  
34 rebutting the presumption under (g) of this subsection, the court may  
35 allow a parent residing with a person who has been adjudicated as a  
36 juvenile of a sex offense listed in (e)(i) through (ix) of this  
37 subsection to have visitation with the child in the presence of the  
38 person adjudicated as a juvenile, supervised by a neutral and

1 independent adult and pursuant to an adequate plan for supervision of  
2 such visitation. The court shall not approve of a supervisor for  
3 contact between the child and the parent unless the court finds, based  
4 on the evidence, that the supervisor is willing and capable of  
5 protecting the child from harm. The court shall revoke court approval  
6 of the supervisor upon finding, based on the evidence, that the  
7 supervisor has failed to protect the child or is no longer willing or  
8 capable of protecting the child.

9 (j) If the court finds that the parent has met the burden of  
10 rebutting the presumption under (g) of this subsection, the court may  
11 allow a parent residing with a person who, as an adult, has been  
12 convicted of a sex offense listed in (e)(i) through (ix) of this  
13 subsection to have visitation with the child in the presence of the  
14 convicted person supervised by a neutral and independent adult and  
15 pursuant to an adequate plan for supervision of such visitation. The  
16 court shall not approve of a supervisor for contact between the child  
17 and the parent unless the court finds, based on the evidence, that the  
18 supervisor is willing and capable of protecting the child from harm.  
19 The court shall revoke court approval of the supervisor upon finding,  
20 based on the evidence, that the supervisor has failed to protect the  
21 child or is no longer willing or capable of protecting the child.

22 (k) A court shall not order unsupervised contact between the  
23 offending parent and a child of the offending parent who was sexually  
24 abused by that parent. A court may order unsupervised contact between  
25 the offending parent and a child who was not sexually abused by the  
26 parent after the presumption under (d) of this subsection has been  
27 rebutted and supervised visitation has occurred for at least two years  
28 with no further arrests or convictions of sex offenses involving  
29 children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW  
30 and (i) the sex offense of the offending parent was not committed  
31 against a child of the offending parent, and (ii) the court finds that  
32 unsupervised contact between the child and the offending parent is  
33 appropriate and poses minimal risk to the child, after consideration of  
34 the testimony of a state-certified therapist, mental health counselor,  
35 or social worker with expertise in treating child sexual abuse victims  
36 who has supervised at least one period of visitation between the parent  
37 and the child, and after consideration of evidence of the offending  
38 parent's compliance with community supervision requirements, if any.

1 If the offending parent was not ordered by a court to participate in  
2 treatment for sex offenders, then the parent shall obtain a  
3 psychosexual evaluation conducted by a certified sex offender treatment  
4 provider or a certified affiliate sex offender treatment provider  
5 indicating that the offender has the lowest likelihood of risk to  
6 reoffend before the court grants unsupervised contact between the  
7 parent and a child.

8 (l) A court may order unsupervised contact between the parent and  
9 a child which may occur in the presence of a juvenile adjudicated of a  
10 sex offense listed in (e)(i) through (ix) of this subsection who  
11 resides with the parent after the presumption under (e) of this  
12 subsection has been rebutted and supervised visitation has occurred for  
13 at least two years during which time the adjudicated juvenile has had  
14 no further arrests, adjudications, or convictions of sex offenses  
15 involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter  
16 9.68A RCW, and (i) the court finds that unsupervised contact between  
17 the child and the parent that may occur in the presence of the  
18 adjudicated juvenile is appropriate and poses minimal risk to the  
19 child, after consideration of the testimony of a state-certified  
20 therapist, mental health counselor, or social worker with expertise in  
21 treatment of child sexual abuse victims who has supervised at least one  
22 period of visitation between the parent and the child in the presence  
23 of the adjudicated juvenile, and after consideration of evidence of the  
24 adjudicated juvenile's compliance with community supervision or parole  
25 requirements, if any. If the adjudicated juvenile was not ordered by  
26 a court to participate in treatment for sex offenders, then the  
27 adjudicated juvenile shall obtain a psychosexual evaluation conducted  
28 by a certified sex offender treatment provider or a certified affiliate  
29 sex offender treatment provider indicating that the adjudicated  
30 juvenile has the lowest likelihood of risk to reoffend before the court  
31 grants unsupervised contact between the parent and a child which may  
32 occur in the presence of the adjudicated juvenile who is residing with  
33 the parent.

34 (m)(i) The limitations imposed by the court under (a) or (b) of  
35 this subsection shall be reasonably calculated to protect the child  
36 from the physical, sexual, or emotional abuse or harm that could result  
37 if the child has contact with the parent requesting visitation. If the  
38 court expressly finds based on the evidence that limitations on

1 visitation with the child will not adequately protect the child from  
2 the harm or abuse that could result if the child has contact with the  
3 parent requesting visitation, the court shall restrain the person  
4 seeking visitation from all contact with the child.

5 (ii) The court shall not enter an order under (a) of this  
6 subsection allowing a parent to have contact with a child if the parent  
7 has been found by clear and convincing evidence in a civil action or by  
8 a preponderance of the evidence in a dependency action to have sexually  
9 abused the child, except upon recommendation by an evaluator or  
10 therapist for the child that the child is ready for contact with the  
11 parent and will not be harmed by the contact. The court shall not  
12 enter an order allowing a parent to have contact with the child in the  
13 offender's presence if the parent resides with a person who has been  
14 found by clear and convincing evidence in a civil action or by a  
15 preponderance of the evidence in a dependency action to have sexually  
16 abused a child, unless the court finds that the parent accepts that the  
17 person engaged in the harmful conduct and the parent is willing to and  
18 capable of protecting the child from harm from the person.

19 (iii) If the court limits visitation under (a) or (b) of this  
20 subsection to require supervised contact between the child and the  
21 parent, the court shall not approve of a supervisor for contact between  
22 a child and a parent who has engaged in physical, sexual, or a pattern  
23 of emotional abuse of the child unless the court finds based upon the  
24 evidence that the supervisor accepts that the harmful conduct occurred  
25 and is willing to and capable of protecting the child from harm. The  
26 court shall revoke court approval of the supervisor upon finding, based  
27 on the evidence, that the supervisor has failed to protect the child or  
28 is no longer willing to or capable of protecting the child.

29 (n) If the court expressly finds based on the evidence that  
30 contact between the parent and the child will not cause physical,  
31 sexual, or emotional abuse or harm to the child and that the  
32 probability that the parent's or other person's harmful or abusive  
33 conduct will recur is so remote that it would not be in the child's  
34 best interests to apply the limitations of (a), (b), and (m)(i) and  
35 (iii) of this subsection, or if the court expressly finds that the  
36 parent's conduct did not have an impact on the child, then the court  
37 need not apply the limitations of (a), (b), and (m)(i) and (iii) of  
38 this subsection. The weight given to the existence of a protection

1 order issued under chapter 26.50 RCW as to domestic violence is within  
2 the discretion of the court. This subsection shall not apply when (c),  
3 (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this  
4 subsection apply.

5 ~~(3) ((Any person may petition the court for visitation rights at~~  
6 ~~any time including, but not limited to, custody proceedings. The court~~  
7 ~~may order visitation rights for any person when visitation may serve~~  
8 ~~the best interest of the child whether or not there has been any change~~  
9 ~~of circumstances.~~

10 (+4)) The court may modify an order granting or denying visitation  
11 rights whenever modification would serve the best interests of the  
12 child. Modification of a parent's visitation rights shall be subject  
13 to the requirements of subsection (2) of this section.

14 ((+5)) (4) For the purposes of this section, a parent's child  
15 means that parent's natural child, adopted child, or stepchild.

16 NEW SECTION. **Sec. 7.** RCW 26.09.240 (Visitation rights--Person  
17 other than parent--Grandparents' visitation rights) and 1996 c 177 s 1,  
18 1989 c 375 s 13, 1987 c 460 s 18, 1977 ex.s. c 271 s 1, & 1973 1st  
19 ex.s. c 157 s 24 are each repealed.

20 NEW SECTION. **Sec. 8.** Sections 1 through 5 of this act constitute  
21 a new chapter in Title 26 RCW.

--- END ---