
SUBSTITUTE HOUSE BILL 1218

State of Washington

62nd Legislature

2011 Regular Session

By House Judiciary (originally sponsored by Representatives Goodman and Rodne; by request of Statute Law Committee)

READ FIRST TIME 01/28/11.

1 AN ACT Relating to making technical corrections to the Revised Code
2 of Washington; amending RCW 13.32A.082, 18.51.070, and 35.21.217;
3 reenacting and amending RCW 28B.67.020 and 46.61.350; reenacting RCW
4 39.94.040; providing an effective date; and providing an expiration
5 date.

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

7 **Sec. 1.** RCW 13.32A.082 and 2010 c 229 s 2 are each amended to read
8 as follows:

9 ~~(1)((a) Except as provided in (b) of this subsection,))~~ Any
10 person(~~(, including unlicensed youth shelters or runaway and homeless~~
11 ~~youth programs,))~~ who, without legal authorization, provides shelter to
12 a minor and who knows at the time of providing the shelter that the
13 minor is away from the parent's home without the permission of the
14 parent, or other lawfully prescribed residence, shall promptly report
15 the location of the child to the parent, the law enforcement agency of
16 the jurisdiction in which the person lives, or the department.

17 ~~((b)(i) If a licensed overnight youth shelter, or another licensed~~
18 ~~organization whose stated mission is to provide services to homeless or~~
19 ~~runaway youth and their families, provides shelter to a minor and knows~~

1 at the time of providing the shelter that the minor is away from a
2 lawfully prescribed residence or home without parental permission, it
3 shall contact the youth's parent, preferably within twenty-four hours
4 but within no more than seventy-two hours following the time that the
5 youth is admitted to the shelter or other licensed organization's
6 program. The notification must include the whereabouts of the youth,
7 a description of the youth's physical and emotional condition, and the
8 circumstances surrounding the youth's contact with the shelter or
9 organization. If there are compelling reasons not to notify the
10 parent, the shelter or organization shall instead notify the
11 department.

12 (ii) At least once every eight hours after learning that a youth
13 receiving services or shelter under this section is away from home
14 without permission, the shelter or organization staff must consult the
15 information that the Washington state patrol makes publicly available
16 under RCW 43.43.510(2). If the youth is publicly listed as missing,
17 the shelter or organization shall immediately notify the department of
18 its contact with the youth listed as missing. The notification must
19 include a description of the youth's physical and emotional condition
20 and the circumstances surrounding the youth's contact with the shelter
21 or organization.

22 (c) Reports required under this section)) The report may be made by
23 telephone or any other reasonable means.

24 (2) Unless the context clearly requires otherwise, the definitions
25 in this subsection apply throughout this section.

26 (a) "Shelter" means the person's home or any structure over which
27 the person has any control.

28 (b) "Promptly report" means to report within eight hours after the
29 person has knowledge that the minor is away from a lawfully prescribed
30 residence or home without parental permission.

31 ((c) "Compelling reasons" include, but are not limited to,
32 circumstances that indicate that notifying the parent or legal guardian
33 will subject the child to abuse or neglect as defined in chapter 26.44
34 RCW.))

35 (3) When the department receives a report under subsection (1) of
36 this section, it shall make a good faith attempt to notify the parent
37 that a report has been received and offer services designed to resolve
38 the conflict and accomplish a reunification of the family.

1 ~~((4) Nothing in this section prohibits any person from immediately~~
2 ~~reporting the identity and location of any minor who is away from a~~
3 ~~lawfully prescribed residence or home without parental permission more~~
4 ~~promptly than required under this section.~~

5 ~~(5) This section expires July 1, 2012.)~~

6 NEW SECTION. **Sec. 2.** Section 1 of this act takes effect July 1,
7 2012.

8 **Sec. 3.** RCW 18.51.070 and 1979 ex.s. c 211 s 64 are each amended
9 to read as follows:

10 The department, after consultation with ~~((the nursing home advisory~~
11 ~~council and))~~ the board of health, shall adopt, amend, and promulgate
12 such rules, regulations, and standards with respect to all nursing
13 homes to be licensed hereunder as may be designed to further the
14 accomplishment of the purposes of this chapter in promoting safe and
15 adequate medical and nursing care of individuals in nursing homes and
16 the sanitary, hygienic, and safe conditions of the nursing home in the
17 interest of public health, safety, and welfare.

18 **Sec. 4.** RCW 28B.67.020 and 2009 c 296 s 1 and 2006 c 112 s 3 are
19 each reenacted and amended to read as follows:

20 (1) The Washington customized employment training program is hereby
21 created to provide training assistance to employers locating or
22 expanding in the state.

23 (2)(a) Application to receive funding under this program shall be
24 made to the board in a form and manner as specified by the board.
25 Successful applicants shall receive a training allowance from the board
26 to cover the costs of training at a qualified training institution.
27 Employers may not receive an allowance for training costs which exceed
28 the maximum annual training cost per employee, as established by the
29 board, and are not eligible to receive an allowance or allowances of
30 over five hundred thousand dollars per calendar year.

31 (b) Allowances shall be granted for applicants who meet the
32 following criteria:

33 (i) The employer must have entered into an agreement with a
34 qualified training institution to engage in customized training and the
35 employer must agree to: (A) Upon completion of the training, make a

1 payment to the employment training finance account created in RCW
2 28B.67.030 in an amount equal to one-quarter of the amount of the
3 training allowance; and (B) over the subsequent eighteen months, make
4 monthly or quarterly payments, as specified in the agreement, to the
5 employment training finance account created in RCW 28B.67.030 in an
6 amount equal to three-quarters of the amount of the training allowance.
7 During calendar years 2009 and 2010, participants may delay payments
8 due under this section for up to eighteen months. The payments into
9 the employment training finance account provided for in this section do
10 not constitute payment to the institution.

11 (ii) When hiring, the employer must make good faith efforts, as
12 determined by the board, to hire from trainees in the participant's
13 training program. The agreement with the qualified training
14 institution provided for in (b)(i) of this subsection shall specify
15 terms for reimbursement or additional payment to the employment
16 training finance account by the employer if the participant does not,
17 when hiring, make good faith efforts to hire from trainees in the
18 participant's training program.

19 (iii) The training allowance may not be used to train workers who
20 have been hired as a result of a strike or lockout.

21 (c) Preference shall be given to employers with fewer than fifty
22 employees.

23 (d) Preference shall be given to training that leads to
24 transferable skills that are interchangeable among different jobs,
25 employers, or workplaces.

26 (3) Qualified training institutions may enter into agreements with
27 four-year institutions of higher education, as defined in RCW
28 28B.10.016, in accordance with the interlocal cooperation act, chapter
29 39.34 RCW.

30 (4) The board and qualified training institutions may solicit and
31 receive gifts, grants, funds, fees, and endowments, in trust or
32 otherwise, from tribal, local, federal, or other governmental entities,
33 as well as private sources, for the purpose of providing training
34 allowances under chapter 112, Laws of 2006. All revenue thus solicited
35 and received shall be deposited into the employment training finance
36 account created in RCW 28B.67.030.

37 (5) Qualified training institutions must make good faith efforts to
38 develop training programs using trainers preferred by participants.

1 (6) For employers who (a) have requested training under the job
2 skills program created under chapter 28C.04 RCW but are not able to
3 participate in the job skills program because the funds have all been
4 committed, and (b) desire to become participants in the Washington
5 customized employment training program, the board shall ensure a
6 seamless process toward participation.

7 (7) The board may adopt rules to implement this section.

8 (8) This section expires July 1, 2012.

9 **Sec. 5.** RCW 35.21.217 and 2010 c 135 s 1 are each amended to read
10 as follows:

11 (1) Prior to furnishing utility services, a city or town may
12 require a deposit to guarantee payment for services. However, failure
13 to require a deposit does not affect the validity of any lien
14 authorized by RCW 35.21.290 or 35.67.200. A city or town may determine
15 how to apply partial payments on past due accounts.

16 (2) A city or town may provide a real property owner or the owner's
17 designee with duplicates of tenant utility service bills, or may notify
18 an owner or the owner's designee that a tenant's utility account is
19 delinquent. However, if an owner or the owner's designee notifies the
20 city or town in writing that a property served by the city or town is
21 a residential rental property, asks to be notified of a tenant's
22 delinquency, and has provided, in writing, a complete and accurate
23 mailing address, the city or town shall notify the owner or the owner's
24 designee of a residential tenant's delinquency at the same time and in
25 the same manner the city or town notifies the tenant of the tenant's
26 delinquency or by mail, and the city or town is prohibited from
27 collecting from the owner or the owner's designee any charges for
28 electric light or power services more than four months past due. When
29 a city or town provides a real property owner or the owner's designee
30 with duplicates of residential tenant utility service bills or notice
31 that a tenant's utility account is delinquent, the city or town shall
32 notify the tenant that it is providing the duplicate bills or
33 delinquency notice to the owner or the owner's designee.

34 (3) After August 1, 2010, if a city or town fails to notify the
35 owner of a tenant's delinquency after receiving a written request to do
36 so and after receiving the other information required by ~~((this))~~
37 subsection (2) of this section, the city or town shall have no lien

1 against the premises for the residential tenant's delinquent and unpaid
2 charges and is prohibited from collecting the tenant's delinquent and
3 unpaid charges for electric light or power services from the owner or
4 the owner's designee.

5 (4) When a utility account is in a tenant's name, the owner or the
6 owner's designee shall notify the city or town in writing within
7 fourteen days of the termination of the rental agreement and vacation
8 of the premises. If the owner or the owner's designee fails to provide
9 this notice, a city or town providing electric light or power services
10 is not limited to collecting only up to four months of a tenant's
11 delinquent charges from the owner or the owner's designee, provided
12 that the city or town has complied with the notification requirements
13 of subsection ~~((+3+))~~ (2) of this section.

14 (5)(a) If an occupied multiple residential rental unit receives
15 utility service through a single utility account, if the utility
16 account's billing address is not the same as the service address of a
17 residential rental property, or if the city or town has been notified
18 that a tenant resides at the service address, the city or town shall
19 make a good faith and reasonable effort to provide written notice to
20 the service address of pending disconnection of electric power and
21 light or water service for nonpayment at least seven calendar days
22 prior to disconnection. The purpose of this notice is to provide any
23 affected tenant an opportunity to resolve the delinquency with his or
24 her landlord or to arrange for continued service. If requested, a city
25 or town shall provide electric power and light or water services to an
26 affected tenant on the same terms and conditions as other residential
27 utility customers, without requiring that he or she pay delinquent
28 amounts for services billed directly to the property owner or a
29 previous tenant except as otherwise allowed by law and only where the
30 city or town offers the opportunity for the affected tenant to set up
31 a reasonable payment plan for the delinquent amounts legally due. If
32 a landlord fails to pay for electric power and light or water services,
33 any tenant who requests that the services be placed in his or her name
34 may deduct from the rent due all reasonable charges paid by the tenant
35 to the city or town for such services. A landlord may not take or
36 threaten to take reprisals or retaliatory action as defined in RCW
37 59.18.240 against a tenant who deducts from his or her rent payments
38 made to a city or town as provided in this subsection.

1 (b) Nothing in this subsection (5) affects the validity of any lien
2 authorized by RCW 35.21.290 or 35.67.200. Furthermore, a city or town
3 that provides electric power and light or water services to a
4 residential tenant in these circumstances shall retain the right to
5 collect from the property owner, previous tenant, or both, any
6 delinquent amounts due for service previously provided to the service
7 address if the city or town has complied with the notification
8 requirements of subsection (~~((3))~~) (2) of this section when applicable.

9 **Sec. 6.** RCW 46.61.350 and 2010 c 15 s 1 and 2010 c 8 s 9069 are
10 each reenacted and amended to read as follows:

11 (1)(a) The driver of any of the following vehicles must stop before
12 the stop line, if present, and otherwise within fifty feet but not less
13 than fifteen feet from the nearest rail at a railroad grade crossing
14 unless exempt under subsection (3) of this section:

15 (i) A school bus or private carrier bus carrying any school child
16 or other passenger;

17 (ii) A commercial motor vehicle transporting passengers;

18 (iii) A cargo tank, whether loaded or empty, used for transporting
19 any hazardous material as defined in the hazardous materials
20 regulations of the United States department of transportation in 49
21 C.F.R. Parts 107 through 180 as it existed on June 10, 2010, or such
22 subsequent date as may be provided by the state patrol by rule,
23 consistent with the purposes of this section. For the purposes of this
24 section, a cargo tank is any commercial motor vehicle designed to
25 transport any liquid or gaseous materials within a tank that is either
26 permanently or temporarily attached to the vehicle or the chassis;

27 (iv) A cargo tank, whether loaded or empty, transporting a
28 commodity under exemption in accordance with (~~(United States department~~
29 ~~of transportation in)) 49 C.F.R. Part 107, Subpart B as it existed on
30 June 10, 2010, or such subsequent date as may be provided by the state
31 patrol by rule, consistent with the purposes of this section;~~

32 (v) A cargo tank transporting a commodity that at the time of
33 loading has a temperature above its flashpoint as determined by the
34 United States department of transportation in 49 C.F.R. Sec. 173.120 as
35 it existed on June 10, 2010, or such subsequent date as may be provided
36 by the state patrol by rule, consistent with the purposes of this
37 section; or

1 (vi) A commercial motor vehicle that is required to be marked or
2 placarded with any one of the following classifications by the United
3 States department of transportation in 49 C.F.R. Part 172 as it existed
4 on June 10, 2010, or such subsequent date as may be provided by the
5 state patrol by rule, consistent with the purposes of this section:

6 (A) Division 1.1, Division 1.2, Division 1.3, or Division 1.4;

7 (B) Division 2.1, Division 2.2, Division 2.2 oxygen, Division 2.3
8 poison gas, or Division 2.3 chlorine;

9 (C) Division 4.1 or Division 4.3;

10 (D) Division 5.1 or Division 5.2;

11 (E) Division 6.1 poison;

12 (F) Class 3 combustible liquid or Class 3 flammable;

13 (G) Class 7;

14 (H) Class 8.

15 (b) While stopped, the driver must listen and look in both
16 directions along the track for any approaching train and for signals
17 indicating the approach of a train. The driver may not proceed until
18 he or she can do so safely.

19 (2) After stopping at a railroad grade crossing and upon proceeding
20 when it is safe to do so, the driver must cross only in a gear that
21 permits the vehicle to traverse the crossing without changing gears.
22 The driver may not shift gears while crossing the track or tracks.

23 (3) This section does not apply at any railroad grade crossing
24 where:

25 (a) Traffic is controlled by a police officer or flagger.

26 (b) A functioning traffic control signal is transmitting a green
27 light.

28 (c) The tracks are used exclusively for a streetcar or industrial
29 switching purposes.

30 (d) The utilities and transportation commission has approved the
31 installation of an "exempt" sign in accordance with the procedures and
32 standards under RCW 81.53.060.

33 (e) The crossing is abandoned and is marked with a sign indicating
34 it is out-of-service.

35 (f) The state patrol has, by rule, identified a crossing where
36 stopping is not required.

37 (g) The superintendent of public instruction has, by rule,

1 identified a circumstance under which a school bus or private carrier
2 bus carrying any school child or other passenger is not required to
3 stop.

4 (4) For the purpose of this section, "commercial motor vehicle"
5 means: Any vehicle with a manufacturer's seating capacity for eight or
6 more passengers, including the driver, that transports passengers for
7 hire; any private carrier bus; any vehicle used to transport property
8 that has a gross vehicle weight rating, gross combination weight
9 rating, gross vehicle weight, or gross combination weight of 4,536 kg
10 (10,001 pounds) or more; and any vehicle used in the transportation of
11 hazardous materials as defined in RCW 46.25.010.

12 **Sec. 7.** RCW 39.94.040 and 2010 1st sp.s. c 36 s 6015 and 2010 1st
13 sp.s. c 35 s 406 are each reenacted to read as follows:

14 (1) Except as provided in RCW 28B.10.022, the state may not enter
15 into any financing contract for itself if the aggregate principal
16 amount payable thereunder is greater than an amount to be established
17 from time to time by the state finance committee or participate in a
18 program providing for the issuance of certificates of participation,
19 including any contract for credit enhancement, without the prior
20 approval of the state finance committee. Except as provided in RCW
21 28B.10.022, the state finance committee shall approve the form of all
22 financing contracts or a standard format for all financing contracts.
23 The state finance committee also may:

24 (a) Consolidate existing or potential financing contracts into
25 master financing contracts with respect to property acquired by one or
26 more agencies, departments, instrumentalities of the state, the state
27 board for community and technical colleges, or a state institution of
28 higher learning; or to be acquired by an other agency;

29 (b) Approve programs providing for the issuance of certificates of
30 participation in master financing contracts for the state or for other
31 agencies;

32 (c) Enter into agreements with trustees relating to master
33 financing contracts; and

34 (d) Make appropriate rules for the performance of its duties under
35 this chapter.

36 (2) In the performance of its duties under this chapter, the state

1 finance committee may consult with representatives from the department
2 of general administration, the office of financial management, and the
3 department of information services.

4 (3) With the approval of the state finance committee, the state
5 also may enter into agreements with trustees relating to financing
6 contracts and the issuance of certificates of participation.

7 (4) Except for financing contracts for real property used for the
8 purposes described under chapter 28B.140 RCW, the state may not enter
9 into any financing contract for real property of the state without
10 prior approval of the legislature. For the purposes of this
11 requirement, a financing contract must be treated as used for real
12 property if it is being entered into by the state for the acquisition
13 of land; the acquisition of an existing building; the construction of
14 a new building; or a major remodeling, renovation, rehabilitation, or
15 rebuilding of an existing building. Prior approval of the legislature
16 is not required under this chapter for a financing contract entered
17 into by the state under this chapter for energy conservation
18 improvements to existing buildings where such improvements include:
19 (a) Fixtures and equipment that are not part of a major remodeling,
20 renovation, rehabilitation, or rebuilding of the building, or (b) other
21 improvements to the building that are being performed for the primary
22 purpose of energy conservation. Such energy conservation improvements
23 must be determined eligible for financing under this chapter by the
24 office of financial management in accordance with financing guidelines
25 established by the state treasurer, and are to be treated as personal
26 property for the purposes of this chapter.

27 (5) The state may not enter into any financing contract on behalf
28 of another agency without the approval of such a financing contract by
29 the governing body of the other agency.

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