

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE SENATE BILL 5168**

62nd Legislature  
2011 Regular Session

Passed by the Senate February 24, 2011  
YEAS 45 NAYS 3

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**President of the Senate**

Passed by the House April 5, 2011  
YEAS 93 NAYS 2

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5168** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5168**

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Passed Legislature - 2011 Regular Session

**State of Washington                      62nd Legislature                      2011 Regular Session**

**By Senate Judiciary (originally sponsored by Senators Prentice, Kline, Regala, Chase, and Kohl-Welles)**

READ FIRST TIME 02/10/11.

1            AN ACT Relating to reducing maximum sentences for gross  
2 misdemeanors by one day; amending RCW 3.50.440, 7.21.040, 9.16.010,  
3 9.16.020, 9.45.070, 9.46.198, 9.68.060, 9.82.030, 9.92.020, 9.94A.190,  
4 9A.20.020, 10.88.300, 14.20.020, 15.80.640, 19.25.020, 19.25.030,  
5 19.25.040, 19.112.060, 19.182.130, 19.182.140, 28C.10.140, 35.20.030,  
6 35.22.280, 35.23.440, 43.06.240, 43.22.290, 43.63A.485, 46.12.640,  
7 46.19.010, 46.37.650, 46.61.500, 46.61.5055, 46.70.021, 48.01.080,  
8 48.31.105, 48.36A.360, 49.17.190, 49.24.060, 49.44.010, 50.36.010,  
9 50.36.020, 66.44.120, 66.44.180, 68.50.050, 70.94.430, 70.95J.060,  
10 70.105.090, 70.138.070, 74.08.331, 74.09.270, 76.09.190, 76.48.151,  
11 82.36.400, 88.08.050, 88.46.080, 90.46.260, and 90.48.140; reenacting  
12 and amending RCW 9A.20.021, 46.16A.030, and 63.29.340; creating a new  
13 section; and prescribing penalties.

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

15            NEW SECTION.    **Sec. 1.**    The legislature finds that a maximum  
16 sentence by a court in the state of Washington for a gross misdemeanor  
17 can, under federal law, result in the automatic deportation of a person  
18 who has lawfully immigrated to the United States, is a victim of  
19 domestic violence or a political refugee, even when all or part of the

1 sentence to total confinement is suspended. The legislature further  
2 finds that this is a disproportionate outcome, when compared to a  
3 person who has been convicted of certain felonies which, under the  
4 state's determinate sentencing law, must be sentenced to less than one  
5 year and, hence, either have no impact on that person's residency  
6 status or will provide that person an opportunity to be heard in  
7 immigration proceedings where the court will determine whether  
8 deportation is appropriate. Therefore, it is the intent of the  
9 legislature to cure this inequity by reducing the maximum sentence for  
10 a gross misdemeanor by one day.

11 **Sec. 2.** RCW 3.50.440 and 2003 c 53 s 3 are each amended to read as  
12 follows:

13 Every person convicted by the municipal court of a violation of the  
14 criminal provisions of an ordinance for which no punishment is  
15 specifically prescribed in the ordinance is guilty of a gross  
16 misdemeanor and shall be punished by a fine of not more than five  
17 thousand dollars or imprisonment in the city jail for (~~a period not to~~  
18 ~~exceed one year~~) up to three hundred sixty-four days, or both such  
19 fine and imprisonment.

20 **Sec. 3.** RCW 7.21.040 and 2009 c 37 s 1 are each amended to read as  
21 follows:

22 (1) Except as otherwise provided in RCW 7.21.050, a punitive  
23 sanction for contempt of court may be imposed only pursuant to this  
24 section.

25 (2)(a) An action to impose a punitive sanction for contempt of  
26 court shall be commenced by a complaint or information filed by the  
27 prosecuting attorney or city attorney charging a person with contempt  
28 of court and reciting the punitive sanction sought to be imposed.

29 (b) If there is probable cause to believe that a contempt has been  
30 committed, the prosecuting attorney or city attorney may file the  
31 information or complaint on his or her own initiative or at the request  
32 of a person aggrieved by the contempt.

33 (c) A request that the prosecuting attorney or the city attorney  
34 commence an action under this section may be made by a judge presiding  
35 in an action or proceeding to which a contempt relates. If required

1 for the administration of justice, the judge making the request may  
2 appoint a special counsel to prosecute an action to impose a punitive  
3 sanction for contempt of court.

4 A judge making a request pursuant to this subsection shall be  
5 disqualified from presiding at the trial.

6 (d) If the alleged contempt involves disrespect to or criticism of  
7 a judge, that judge is disqualified from presiding at the trial of the  
8 contempt unless the person charged consents to the judge presiding at  
9 the trial.

10 (3) The court may hold a hearing on a motion for a remedial  
11 sanction jointly with a trial on an information or complaint seeking a  
12 punitive sanction.

13 (4) A punitive sanction may be imposed for past conduct that was a  
14 contempt of court even though similar present conduct is a continuing  
15 contempt of court.

16 (5) If the defendant is found guilty of contempt of court under  
17 this section, the court may impose for each separate contempt of court  
18 a fine of not more than five thousand dollars or imprisonment for (~~not~~  
19 ~~more than one year~~) up to three hundred sixty-four days, or both.

20 **Sec. 4.** RCW 9.16.010 and 1992 c 7 s 3 are each amended to read as  
21 follows:

22 Every person who shall willfully deface, obliterate, remove, or  
23 alter any mark or brand placed by or with the authority of the owner  
24 thereof on any shingle bolt, log or stick of timber, or on any horse,  
25 mare, gelding, mule, cow, steer, bull, sheep, goat or hog, shall be  
26 punished by imprisonment in a state correctional facility for not more  
27 than five years, or by imprisonment in the county jail for (~~not more~~  
28 ~~than one year~~) up to three hundred sixty-four days, or by a fine of  
29 not more than one thousand dollars, or by both fine and imprisonment.

30 **Sec. 5.** RCW 9.16.020 and 1992 c 7 s 4 are each amended to read as  
31 follows:

32 Every person who, in any county, places upon any property, any  
33 brand or mark in the likeness or similitude of another brand or mark  
34 filed with the county auditor of such county by the owner thereof as a  
35 brand or mark for the designation or identification of a like kind of  
36 property, is:

1 (1) If done with intent to confuse or commingle such property with,  
2 or to appropriate to his or her own use, the property of such other  
3 owner, guilty of a felony, (~~and be punished~~) punishable by  
4 imprisonment in a state correctional facility for not more than five  
5 years, or by imprisonment in the county jail for (~~not more than one~~  
6 ~~year~~) up to three hundred sixty-four days, or by a fine of not more  
7 than one thousand dollars, or by both fine and imprisonment; or  
8 (2) If done without such intent, guilty of a misdemeanor.

9 **Sec. 6.** RCW 9.45.070 and 1992 c 7 s 10 are each amended to read as  
10 follows:

11 Every person who shall obtain any money or property from another or  
12 shall obtain the signature of another to any writing the false making  
13 of which would be forgery, by color or aid of any false or fraudulent  
14 sale of property or pretended sale of property by auction, or by any of  
15 the practices known as mock auction, shall be punished by imprisonment  
16 in a state correctional facility for not more than five years or in the  
17 county jail for (~~not more than one year~~) up to three hundred sixty-  
18 four days, or by a fine of not more than one thousand dollars, or by  
19 both fine and imprisonment.

20 Every person who shall buy or sell or pretend to buy or sell any  
21 goods, wares or merchandise, exposed to sale by auction, if an actual  
22 sale, purchase and change of ownership therein does not thereupon take  
23 place, shall be guilty of a misdemeanor.

24 **Sec. 7.** RCW 9.46.198 and 1999 c 143 s 7 are each amended to read  
25 as follows:

26 Any person who works as an employee or agent or in a similar  
27 capacity for another person in connection with the operation of an  
28 activity for which a license is required under this chapter or by  
29 commission rule without having obtained the applicable license required  
30 by the commission under RCW 9.46.070(17) shall be guilty of a gross  
31 misdemeanor and shall, upon conviction, be punished by (~~not more than~~  
32 ~~one year~~) up to three hundred sixty-four days in the county jail or a  
33 fine of not more than five thousand dollars, or both.

34 **Sec. 8.** RCW 9.68.060 and 2003 c 53 s 41 are each amended to read  
35 as follows:

1 (1) When it appears that material which may be deemed erotic is  
2 being sold, distributed, or exhibited in this state, the prosecuting  
3 attorney of the county in which the sale, distribution, or exhibition  
4 is taking place may apply to the superior court for a hearing to  
5 determine the character of the material with respect to whether it is  
6 erotic material.

7 (2) Notice of the hearing shall immediately be served upon the  
8 dealer, distributor, or exhibitor selling or otherwise distributing or  
9 exhibiting the alleged erotic material. The superior court shall hold  
10 a hearing not later than five days from the service of notice to  
11 determine whether the subject matter is erotic material within the  
12 meaning of RCW 9.68.050.

13 (3) If the superior court rules that the subject material is erotic  
14 material, then, following such adjudication:

15 (a) If the subject material is written or printed, or is a sound  
16 recording, the court shall issue an order requiring that an "adults  
17 only" label be placed on the publication or sound recording, if such  
18 publication or sound recording is going to continue to be distributed.  
19 Whenever the superior court orders a publication or sound recording to  
20 have an "adults only" label placed thereon, such label shall be  
21 impressed on the front cover of all copies of such erotic publication  
22 or sound recording sold or otherwise distributed in the state of  
23 Washington. Such labels shall be in forty-eight point bold face type  
24 located in a conspicuous place on the front cover of the publication or  
25 sound recording. All dealers and distributors are hereby prohibited  
26 from displaying erotic publications or sound recordings in their store  
27 windows, on outside newsstands on public thoroughfares, or in any other  
28 manner so as to make an erotic publication or the contents of an erotic  
29 sound recording readily accessible to minors.

30 (b) If the subject material is a motion picture, the court shall  
31 issue an order requiring that such motion picture shall be labeled  
32 "adults only". The exhibitor shall prominently display a sign saying  
33 "adults only" at the place of exhibition, and any advertising of the  
34 motion picture shall contain a statement that it is for adults only.  
35 Such exhibitor shall also display a sign at the place where admission  
36 tickets are sold stating that it is unlawful for minors to misrepresent  
37 their age.

1 (4) Failure to comply with a court order issued under the  
2 provisions of this section shall subject the dealer, distributor, or  
3 exhibitor to contempt proceedings.

4 (5) Any person who, after the court determines material to be  
5 erotic, sells, distributes, or exhibits the erotic material to a minor  
6 shall be guilty of violating RCW 9.68.050 through 9.68.120, such  
7 violation to carry the following penalties:

8 (a) For the first offense a misdemeanor and upon conviction shall  
9 be fined not more than five hundred dollars, or imprisoned in the  
10 county jail not more than six months;

11 (b) For the second offense a gross misdemeanor and upon conviction  
12 shall be fined not more than one thousand dollars, or imprisoned (~~not~~  
13 ~~more than one year~~) for up to three hundred sixty-four days;

14 (c) For all subsequent offenses a class B felony and upon  
15 conviction shall be fined not more than five thousand dollars, or  
16 imprisoned not less than one year.

17 **Sec. 9.** RCW 9.82.030 and 1992 c 7 s 16 are each amended to read as  
18 follows:

19 Every person having knowledge of the commission of treason, who  
20 conceals the same, and does not, as soon as may be, disclose such  
21 treason to the governor or a justice of the supreme court or a judge of  
22 either the court of appeals or the superior court, shall be guilty of  
23 misprision of treason and punished by a fine of not more than one  
24 thousand dollars, or by imprisonment in a state correctional facility  
25 for not more than five years or in a county jail for (~~not more than~~  
26 ~~one year~~) up to three hundred sixty-four days.

27 **Sec. 10.** RCW 9.92.020 and 1982 1st ex.s. c 47 s 6 are each amended  
28 to read as follows:

29 Every person convicted of a gross misdemeanor for which no  
30 punishment is prescribed in any statute in force at the time of  
31 conviction and sentence, shall be punished by imprisonment in the  
32 county jail for a maximum term fixed by the court of (~~not more than~~  
33 ~~one year~~) up to three hundred sixty-four days, or by a fine in an  
34 amount fixed by the court of not more than five thousand dollars, or by  
35 both such imprisonment and fine.

1       **Sec. 11.** RCW 9.94A.190 and 2010 c 224 s 10 are each amended to  
2 read as follows:

3       (1) A sentence that includes a term or terms of confinement  
4 totaling (~~more than~~) one year or more shall be served in a facility  
5 or institution operated, or utilized under contract, by the state, or  
6 in home detention pursuant to RCW 9.94A.6551. Except as provided in  
7 subsection (3) or (5) of this section, a sentence of (~~not more than~~  
8 ~~one year~~) up to three hundred sixty-four days of confinement shall be  
9 served in a facility operated, licensed, or utilized under contract, by  
10 the county, or if home detention or work crew has been ordered by the  
11 court, in the residence of either the offender or a member of the  
12 offender's immediate family.

13       (2) If a county uses a state partial confinement facility for the  
14 partial confinement of a person sentenced to confinement for (~~not more~~  
15 ~~than one year~~) up to three hundred sixty-four days, the county shall  
16 reimburse the state for the use of the facility as provided in this  
17 subsection. The office of financial management shall set the rate of  
18 reimbursement based upon the average per diem cost per offender in the  
19 facility. The office of financial management shall determine to what  
20 extent, if any, reimbursement shall be reduced or eliminated because of  
21 funds provided by the legislature to the department for the purpose of  
22 covering the cost of county use of state partial confinement  
23 facilities. The office of financial management shall reestablish  
24 reimbursement rates each even-numbered year.

25       (3) A person who is sentenced for a felony to a term of not more  
26 than (~~one year~~) three hundred sixty-four days, and who is committed  
27 or returned to incarceration in a state facility on another felony  
28 conviction, either under the indeterminate sentencing laws, chapter  
29 9.95 RCW, or under this chapter shall serve all terms of confinement,  
30 including a sentence of not more than (~~one year~~) three hundred sixty-  
31 four days, in a facility or institution operated, or utilized under  
32 contract, by the state, consistent with the provisions of RCW  
33 9.94A.589.

34       (4) Notwithstanding any other provision of this section, a sentence  
35 imposed pursuant to RCW 9.94A.660 which has a standard sentence range  
36 of over one year, regardless of length, shall be served in a facility  
37 or institution operated, or utilized under contract, by the state.



1 (5) Sentences imposed pursuant to RCW 9.94A.507 shall be served in  
2 a facility or institution operated, or utilized under contract, by the  
3 state.

4 **Sec. 12.** RCW 9A.20.020 and 1982 c 192 s 9 are each amended to read  
5 as follows:

6 (1) Felony. Every person convicted of a classified felony shall be  
7 punished as follows:

8 (a) For a class A felony, by imprisonment in a state correctional  
9 institution for a maximum term fixed by the court of not less than  
10 twenty years, or by a fine in an amount fixed by the court of not more  
11 than fifty thousand dollars, or by both such imprisonment and fine;

12 (b) For a class B felony, by imprisonment in a state correctional  
13 institution for a maximum term of not more than ten years, or by a fine  
14 in an amount fixed by the court of not more than twenty thousand  
15 dollars, or by both such imprisonment and fine;

16 (c) For a class C felony, by imprisonment in a state correctional  
17 institution for a maximum term of not more than five years, or by a  
18 fine in an amount fixed by the court of not more than ten thousand  
19 dollars, or by both such imprisonment and fine.

20 (2) Gross Misdemeanor. Every person convicted of a gross  
21 misdemeanor defined in Title 9A RCW shall be punished by imprisonment  
22 in the county jail for a maximum term fixed by the court of (~~not more~~  
23 ~~than one year~~) up to three hundred sixty-four days, or by a fine in an  
24 amount fixed by the court of not more than five thousand dollars, or by  
25 both such imprisonment and fine.

26 (3) Misdemeanor. Every person convicted of a misdemeanor defined  
27 in Title 9A RCW shall be punished by imprisonment in the county jail  
28 for a maximum term fixed by the court of not more than ninety days, or  
29 by a fine in an amount fixed by the court of not more than one thousand  
30 dollars, or by both such imprisonment and fine.

31 (4) This section applies to only those crimes committed prior to  
32 July 1, 1984.

33 **Sec. 13.** RCW 9A.20.021 and 2003 c 288 s 7 and 2003 c 53 s 63 are  
34 each reenacted and amended to read as follows:

35 (1) Felony. Unless a different maximum sentence for a classified

1 felony is specifically established by a statute of this state, no  
2 person convicted of a classified felony shall be punished by  
3 confinement or fine exceeding the following:

4 (a) For a class A felony, by confinement in a state correctional  
5 institution for a term of life imprisonment, or by a fine in an amount  
6 fixed by the court of fifty thousand dollars, or by both such  
7 confinement and fine;

8 (b) For a class B felony, by confinement in a state correctional  
9 institution for a term of ten years, or by a fine in an amount fixed by  
10 the court of twenty thousand dollars, or by both such confinement and  
11 fine;

12 (c) For a class C felony, by confinement in a state correctional  
13 institution for five years, or by a fine in an amount fixed by the  
14 court of ten thousand dollars, or by both such confinement and fine.

15 (2) Gross misdemeanor. Every person convicted of a gross  
16 misdemeanor defined in Title 9A RCW shall be punished by imprisonment  
17 in the county jail for a maximum term fixed by the court of (~~not more~~  
18 ~~than one year~~) up to three hundred sixty-four days, or by a fine in an  
19 amount fixed by the court of not more than five thousand dollars, or by  
20 both such imprisonment and fine.

21 (3) Misdemeanor. Every person convicted of a misdemeanor defined  
22 in Title 9A RCW shall be punished by imprisonment in the county jail  
23 for a maximum term fixed by the court of not more than ninety days, or  
24 by a fine in an amount fixed by the court of not more than one thousand  
25 dollars, or by both such imprisonment and fine.

26 (4) This section applies to only those crimes committed on or after  
27 July 1, 1984.

28 **Sec. 14.** RCW 10.88.300 and 2010 c 8 s 1073 are each amended to  
29 read as follows:

30 Any officer who shall deliver to the agent for extradition of the  
31 demanding state a person in his or her custody under the governor's  
32 warrant, in wilful disobedience to RCW 10.88.290, shall be guilty of a  
33 gross misdemeanor and, on conviction, shall be imprisoned in the county  
34 jail for (~~not more than one year~~) up to three hundred sixty-four  
35 days, or be fined not more than one thousand dollars, or both.

1           **Sec. 15.** RCW 14.20.020 and 2003 c 53 s 102 are each amended to  
2 read as follows:

3           (1) It is unlawful for a person to act as an aircraft dealer  
4 without a currently valid aircraft dealer's license issued under this  
5 chapter.

6           (2)(a) Except as provided in (b) of this subsection, a person  
7 acting as an aircraft dealer without a currently issued aircraft  
8 dealer's license is guilty of a misdemeanor and shall be punished by  
9 either a fine of not more than one thousand dollars or by imprisonment  
10 for not more than ninety days, or both.

11           (b) A person convicted on a second or subsequent conviction within  
12 a five-year period is guilty of a gross misdemeanor and shall be  
13 punished by either a fine of not more than five thousand dollars or by  
14 imprisonment for (~~not more than one year~~) up to three hundred sixty-  
15 four days, or both.

16           (3) In addition to, or in lieu of, the penalties provided in this  
17 section, or as a condition to the suspension of a sentence that may be  
18 imposed under this section, the court in its discretion may prohibit  
19 the violator from acting as an aircraft dealer within the state for  
20 such a period as it may determine but not to exceed one year.  
21 Violation of the duly imposed prohibition of the court may be treated  
22 as a separate offense under this section or as contempt of court.

23           (4) Any person applying for an aircraft dealer's license shall do  
24 so at the office of the secretary on a form provided for that purpose  
25 by the secretary.

26           **Sec. 16.** RCW 15.80.640 and 2010 c 8 s 6113 are each amended to  
27 read as follows:

28           Any person who shall mark, stamp, or write any false weight ticket,  
29 scale ticket, or weight certificate, knowing it to be false, and any  
30 person who influences, or attempts to wrongfully influence any licensed  
31 public weighmaster or weigher in the performance of his or her official  
32 duties shall be guilty of a gross misdemeanor and upon conviction  
33 thereof shall be punished by a fine of not less than one hundred  
34 dollars nor more than one thousand dollars, or by imprisonment of not  
35 less than thirty days nor more than (~~one year~~) three hundred sixty-  
36 four days in the county jail, or by both such fine and imprisonment.

1           **Sec. 17.** RCW 19.25.020 and 2003 c 53 s 143 are each amended to  
2 read as follows:

3           (1) A person commits an offense if the person:

4           (a) Knowingly reproduces for sale or causes to be transferred any  
5 recording with intent to sell it or cause it to be sold or use it or  
6 cause it to be used for commercial advantage or private financial gain  
7 without the consent of the owner;

8           (b) Transports within this state, for commercial advantage or  
9 private financial gain, a recording with the knowledge that the sounds  
10 have been reproduced or transferred without the consent of the owner;  
11 or

12           (c) Advertises, offers for sale, sells, or rents, or causes the  
13 sale, resale, or rental of or possesses for one or more of these  
14 purposes any recording that the person knows has been reproduced or  
15 transferred without the consent of the owner.

16           (2)(a) An offense under this section is a class B felony punishable  
17 by a fine of not more than two hundred fifty thousand dollars,  
18 imprisonment for not more than ten years, or both if:

19           (i) The offense involves at least one thousand unauthorized  
20 recordings during a one hundred eighty-day period; or

21           (ii) The defendant has been previously convicted under this  
22 section.

23           (b) An offense under this section is a class C felony punishable by  
24 a fine of not more than two hundred fifty thousand dollars,  
25 imprisonment for not more than five years, or both, if the offense  
26 involves more than one hundred but less than one thousand unauthorized  
27 recordings during a one hundred eighty-day period.

28           (c) Any other offense under this section is a gross misdemeanor  
29 punishable by a fine of not more than twenty-five thousand dollars,  
30 imprisonment for (~~not more than one year~~) up to three hundred sixty-  
31 four days, or both.

32           (3) This section does not affect the rights and remedies of a party  
33 in private litigation.

34           (4) This section applies only to recordings that were initially  
35 fixed before February 15, 1972.

36           **Sec. 18.** RCW 19.25.030 and 2003 c 53 s 144 are each amended to  
37 read as follows:

1 (1) A person commits an offense if the person:

2 (a) For commercial advantage or private financial gain advertises,  
3 offers for sale, sells, rents, transports, causes the sale, resale,  
4 rental, or transportation of or possesses for one or more of these  
5 purposes a recording of a live performance with the knowledge that the  
6 live performance has been recorded or fixed without the consent of the  
7 owner; or

8 (b) With the intent to sell for commercial advantage or private  
9 financial gain records or fixes or causes to be recorded or fixed on a  
10 recording a live performance with the knowledge that the live  
11 performance has been recorded or fixed without the consent of the  
12 owner.

13 (2)(a) An offense under this section is a class B felony punishable  
14 by a fine of not more than two hundred fifty thousand dollars,  
15 imprisonment for not more than ten years, or both, if:

16 (i) The offense involves at least one thousand unauthorized  
17 recordings embodying sound or at least one hundred unauthorized  
18 audiovisual recordings during a one hundred eighty-day period; or

19 (ii) The defendant has been previously convicted under this  
20 section.

21 (b) An offense under this section is a class C felony punishable by  
22 a fine of not more than two hundred fifty thousand dollars,  
23 imprisonment for not more than five years, or both, if the offense  
24 involves more than one hundred but less than one thousand unauthorized  
25 recordings embodying sound or more than ten but less than one hundred  
26 unauthorized audiovisual recordings during a one hundred eighty-day  
27 period.

28 (c) Any other offense under this section is a gross misdemeanor  
29 punishable by a fine of not more than twenty-five thousand dollars,  
30 imprisonment for (~~not more than one year~~) up to three hundred sixty-  
31 four days, or both.

32 (3) In the absence of a written agreement or law to the contrary,  
33 the performer or performers of a live performance are presumed to own  
34 the rights to record or fix those sounds.

35 (4) For the purposes of this section, a person who is authorized to  
36 maintain custody and control over business records that reflect whether  
37 or not the owner of the live performance consented to having the live

1 performance recorded or fixed is a competent witness in a proceeding  
2 regarding the issue of consent.

3 (5) This section does not affect the rights and remedies of a party  
4 in private litigation.

5 **Sec. 19.** RCW 19.25.040 and 2003 c 53 s 145 are each amended to  
6 read as follows:

7 (1) A person is guilty of failure to disclose the origin of a  
8 recording when, for commercial advantage or private financial gain, the  
9 person knowingly advertises, or offers for sale, resale, or rent, or  
10 sells or resells, or rents, leases, or lends, or possesses for any of  
11 these purposes, any recording which does not contain the true name and  
12 address of the manufacturer in a prominent place on the cover, jacket,  
13 or label of the recording.

14 (2)(a) An offense under this section is a class B felony punishable  
15 by a fine of not more than two hundred fifty thousand dollars,  
16 imprisonment for not more than ten years, or both, if:

17 (i) The offense involves at least one hundred unauthorized  
18 recordings during a one hundred eighty-day period; or

19 (ii) The defendant has been previously convicted under this  
20 section.

21 (b) An offense under this section is a class C felony punishable by  
22 a fine of not more than two hundred fifty thousand dollars,  
23 imprisonment for not more than five years, or both, if the offense  
24 involves more than ten but less than one hundred unauthorized  
25 recordings during a one hundred eighty-day period.

26 (c) Any other offense under this section is a gross misdemeanor  
27 punishable by a fine of not more than twenty-five thousand dollars,  
28 imprisonment for (~~not more than one year~~) up to three hundred sixty-  
29 four days, or both.

30 (3) This section does not affect the rights and remedies of a party  
31 in private litigation.

32 **Sec. 20.** RCW 19.112.060 and 2006 c 338 s 6 are each amended to  
33 read as follows:

34 (1)(a) Any person who knowingly violates any provision of this  
35 chapter or rules adopted under it is guilty of a misdemeanor and, upon

1 conviction, shall be punished by a fine of not more than one thousand  
2 dollars or imprisonment for (~~not more than one year~~) up to three  
3 hundred sixty-four days, or both.

4 (b) The director shall assess a civil penalty ranging from one  
5 hundred dollars to ten thousand dollars per occurrence, giving due  
6 consideration to the appropriateness of the penalty with respect to the  
7 gravity of the violation, and the history of previous violations.  
8 Civil penalties collected under this chapter shall be deposited into  
9 the motor vehicle fund.

10 (2) The penalties in subsection (1)(a) of this section do not apply  
11 to violations of RCW 19.112.110 and 19.112.120.

12 **Sec. 21.** RCW 19.182.130 and 1993 c 476 s 15 are each amended to  
13 read as follows:

14 A person who knowingly and willfully obtains information on a  
15 consumer from a consumer reporting agency under false pretenses is  
16 subject to a fine of up to five thousand dollars or imprisonment for  
17 (~~up to one year~~) up to three hundred sixty-four days, or both.

18 **Sec. 22.** RCW 19.182.140 and 1993 c 476 s 16 are each amended to  
19 read as follows:

20 An officer or employee of a consumer reporting agency who knowingly  
21 and willfully provides information concerning an individual from the  
22 agency's files to a person not authorized to receive that information  
23 is subject to a fine of up to five thousand dollars or imprisonment for  
24 (~~up to one year~~) up to three hundred sixty-four days, or both.

25 **Sec. 23.** RCW 28C.10.140 and 1986 c 299 s 14 are each amended to  
26 read as follows:

27 Any entity or any owner, officer, agent, or employee of such entity  
28 who wilfully violates RCW 28C.10.060 or 28C.10.090 is guilty of a gross  
29 misdemeanor and, upon conviction, shall be punished by a fine of not to  
30 exceed one thousand dollars or by imprisonment in the county jail for  
31 (~~not to exceed one year~~) up to three hundred sixty-four days, or by  
32 both such fine and imprisonment.

33 Each day on which a violation occurs constitutes a separate  
34 violation. The criminal sanctions may be imposed by a court of

1 competent jurisdiction in an action brought by the attorney general of  
2 this state.

3 **Sec. 24.** RCW 35.20.030 and 2005 c 282 s 41 are each amended to  
4 read as follows:

5 The municipal court shall have jurisdiction to try violations of  
6 all city ordinances and all other actions brought to enforce or recover  
7 license penalties or forfeitures declared or given by any such  
8 ordinances. It is empowered to forfeit cash bail or bail bonds and  
9 issue execution thereon, to hear and determine all causes, civil or  
10 criminal, arising under such ordinances, and to pronounce judgment in  
11 accordance therewith: PROVIDED, That for a violation of the criminal  
12 provisions of an ordinance no greater punishment shall be imposed than  
13 a fine of five thousand dollars or imprisonment in the city jail (~~not~~  
14 ~~to exceed one year~~) for up to three hundred sixty-four days, or both  
15 such fine and imprisonment, but the punishment for any criminal  
16 ordinance shall be the same as the punishment provided in state law for  
17 the same crime. All civil and criminal proceedings in municipal court,  
18 and judgments rendered therein, shall be subject to review in the  
19 superior court by writ of review or on appeal: PROVIDED, That an  
20 appeal from the court's determination or order in a traffic infraction  
21 proceeding may be taken only in accordance with RCW 46.63.090(5).  
22 Costs in civil and criminal cases may be taxed as provided in district  
23 courts. A municipal court participating in the program established by  
24 the administrative office of the courts pursuant to RCW 2.56.160 shall  
25 have jurisdiction to take recognizance, approve bail, and arraign  
26 defendants held within its jurisdiction on warrants issued by any court  
27 of limited jurisdiction participating in the program.

28 **Sec. 25.** RCW 35.22.280 and 2009 c 549 s 2046 are each amended to  
29 read as follows:

30 Any city of the first class shall have power:

31 (1) To provide for general and special elections, for questions to  
32 be voted upon, and for the election of officers;

33 (2) To provide for levying and collecting taxes on real and  
34 personal property for its corporate uses and purposes, and to provide  
35 for the payment of the debts and expenses of the corporation;



1 (3) To control the finances and property of the corporation, and to  
2 acquire, by purchase or otherwise, such lands and other property as may  
3 be necessary for any part of the corporate uses provided for by its  
4 charter, and to dispose of any such property as the interests of the  
5 corporation may, from time to time, require;

6 (4) To borrow money for corporate purposes on the credit of the  
7 corporation, and to issue negotiable bonds therefor, on such conditions  
8 and in such manner as shall be prescribed in its charter; but no city  
9 shall, in any manner or for any purpose, become indebted to an amount  
10 in the aggregate to exceed the limitation of indebtedness prescribed by  
11 chapter 39.36 RCW as now or hereafter amended;

12 (5) To issue bonds in place of or to supply means to meet maturing  
13 bonds or other indebtedness, or for the consolidation or funding of the  
14 same;

15 (6) To purchase or appropriate private property within or without  
16 its corporate limits, for its corporate uses, upon making just  
17 compensation to the owners thereof, and to institute and maintain such  
18 proceedings as may be authorized by the general laws of the state for  
19 the appropriation of private property for public use;

20 (7) To lay out, establish, open, alter, widen, extend, grade, pave,  
21 plank, establish grades, or otherwise improve streets, alleys, avenues,  
22 sidewalks, wharves, parks, and other public grounds, and to regulate  
23 and control the use thereof, and to vacate the same, and to authorize  
24 or prohibit the use of electricity at, in, or upon any of said streets,  
25 or for other purposes, and to prescribe the terms and conditions upon  
26 which the same may be so used, and to regulate the use thereof;

27 (8) To change the grade of any street, highway, or alley within its  
28 corporate limits, and to provide for the payment of damages to any  
29 abutting owner or owners who shall have built or made other  
30 improvements upon such street, highway, or alley at any point opposite  
31 to the point where such change shall be made with reference to the  
32 grade of such street, highway, or alley as the same existed prior to  
33 such change;

34 (9) To authorize or prohibit the locating and constructing of any  
35 railroad or street railroad in any street, alley, or public place in  
36 such city, and to prescribe the terms and conditions upon which any  
37 such railroad or street railroad shall be located or constructed; to  
38 provide for the alteration, change of grade, or removal thereof; to

1 regulate the moving and operation of railroad and street railroad  
2 trains, cars, and locomotives within the corporate limits of said city;  
3 and to provide by ordinance for the protection of all persons and  
4 property against injury in the use of such railroads or street  
5 railroads;

6 (10) To provide for making local improvements, and to levy and  
7 collect special assessments on property benefited thereby, and for  
8 paying for the same or any portion thereof;

9 (11) To acquire, by purchase or otherwise, lands for public parks  
10 within or without the limits of such city, and to improve the same.  
11 When the language of any instrument by which any property is so  
12 acquired limits the use of said property to park purposes and contains  
13 a reservation of interest in favor of the grantor or any other person,  
14 and where it is found that the property so acquired is not needed for  
15 park purposes and that an exchange thereof for other property to be  
16 dedicated for park purposes is in the public interest, the city may,  
17 with the consent of the grantor or such other person, his or her heirs,  
18 successors, or assigns, exchange such property for other property to be  
19 dedicated for park purposes, and may make, execute, and deliver proper  
20 conveyances to effect the exchange. In any case where, owing to death  
21 or lapse of time, there is neither donor, heir, successor, or assignee  
22 to give consent, this consent may be executed by the city and filed for  
23 record with an affidavit setting forth all efforts made to locate  
24 people entitled to give such consent together with the facts which  
25 establish that no consent by such persons is attainable. Title to  
26 property so conveyed by the city shall vest in the grantee free and  
27 clear of any trust in favor of the public arising out of any prior  
28 dedication for park purposes, but the right of the public shall be  
29 transferred and preserved with like force and effect to the property  
30 received by the city in such exchange;

31 (12) To construct and keep in repair bridges, viaducts, and  
32 tunnels, and to regulate the use thereof;

33 (13) To determine what work shall be done or improvements made at  
34 the expense, in whole or in part, of the owners of the adjoining  
35 contiguous, or proximate property, or others specially benefited  
36 thereby; and to provide for the manner of making and collecting  
37 assessments therefor;

1 (14) To provide for erecting, purchasing, or otherwise acquiring  
2 waterworks, within or without the corporate limits of said city, to  
3 supply said city and its inhabitants with water, or authorize the  
4 construction of same by others when deemed for the best interests of  
5 such city and its inhabitants, and to regulate and control the use and  
6 price of the water so supplied;

7 (15) To provide for lighting the streets and all public places, and  
8 for furnishing the inhabitants thereof with gas or other lights, and to  
9 erect, or otherwise acquire, and to maintain the same, or to authorize  
10 the erection and maintenance of such works as may be necessary and  
11 convenient therefor, and to regulate and control the use thereof;

12 (16) To establish and regulate markets, and to provide for the  
13 weighing, measuring, and inspection of all articles of food and drink  
14 offered for sale thereat, or at any other place within its limits, by  
15 proper penalties, and to enforce the keeping of proper legal weights  
16 and measures by all vendors in such city, and to provide for the  
17 inspection thereof. Whenever the words "public markets" are used in  
18 this chapter, and the public market is managed in whole or in part by  
19 a public corporation created by a city, the words shall be construed to  
20 include all real or personal property located in a district or area  
21 designated by a city as a public market and traditionally devoted to  
22 providing farmers, crafts vendors and other merchants with retail space  
23 to market their wares to the public. Property located in such a  
24 district or area need not be exclusively or primarily used for such  
25 traditional public market retail activities and may include property  
26 used for other public purposes including, but not limited to, the  
27 provision of human services and low-income or moderate-income housing;

28 (17) To erect and establish hospitals and pesthouses, and to  
29 control and regulate the same;

30 (18) To provide for establishing and maintaining reform schools for  
31 juvenile offenders;

32 (19) To provide for the establishment and maintenance of public  
33 libraries, and to appropriate, annually, such percent of all moneys  
34 collected for fines, penalties, and licenses as shall be prescribed by  
35 its charter, for the support of a city library, which shall, under such  
36 regulations as shall be prescribed by ordinance, be open for use by the  
37 public;

1 (20) To regulate the burial of the dead, and to establish and  
2 regulate cemeteries within or without the corporate limits, and to  
3 acquire land therefor by purchase or otherwise; to cause cemeteries to  
4 be removed beyond the limits of the corporation, and to prohibit their  
5 establishment within two miles of the boundaries thereof;

6 (21) To direct the location and construction of all buildings in  
7 which any trade or occupation offensive to the senses or deleterious to  
8 public health or safety shall be carried on, and to regulate the  
9 management thereof; and to prohibit the erection or maintenance of such  
10 buildings or structures, or the carrying on of such trade or occupation  
11 within the limits of such corporation, or within the distance of two  
12 miles beyond the boundaries thereof;

13 (22) To provide for the prevention and extinguishment of fires and  
14 to regulate or prohibit the transportation, keeping, or storage of all  
15 combustible or explosive materials within its corporate limits, and to  
16 regulate and restrain the use of fireworks;

17 (23) To establish fire limits and to make all such regulations for  
18 the erection and maintenance of buildings or other structures within  
19 its corporate limits as the safety of persons or property may require,  
20 and to cause all such buildings and places as may from any cause be in  
21 a dangerous state to be put in safe condition;

22 (24) To regulate the manner in which stone, brick, and other  
23 buildings, party walls, and partition fences shall be constructed and  
24 maintained;

25 (25) To deepen, widen, dock, cover, wall, alter, or change the  
26 channels of waterways and courses, and to provide for the construction  
27 and maintenance of all such works as may be required for the  
28 accommodation of commerce, including canals, slips, public landing  
29 places, wharves, docks, and levees, and to control and regulate the use  
30 thereof;

31 (26) To control, regulate, or prohibit the anchorage, moorage, and  
32 landing of all watercrafts and their cargoes within the jurisdiction of  
33 the corporation;

34 (27) To fix the rates of wharfage and dockage, and to provide for  
35 the collection thereof, and to provide for the imposition and  
36 collection of such harbor fees as may be consistent with the laws of  
37 the United States;

1 (28) To license, regulate, control, or restrain wharf boats, tugs,  
2 and other boats used about the harbor or within such jurisdiction;

3 (29) To require the owners of public halls or other buildings to  
4 provide suitable means of exit; to provide for the prevention and  
5 abatement of nuisances, for the cleaning and purification of  
6 watercourses and canals, for the drainage and filling up of ponds on  
7 private property within its limits, when the same shall be offensive to  
8 the senses or dangerous to health; to regulate and control, and to  
9 prevent and punish, the defilement or pollution of all streams running  
10 through or into its corporate limits, and for the distance of five  
11 miles beyond its corporate limits, and on any stream or lake from which  
12 the water supply of said city is taken, for a distance of five miles  
13 beyond its source of supply; to provide for the cleaning of areas,  
14 vaults, and other places within its corporate limits which may be so  
15 kept as to become offensive to the senses or dangerous to health, and  
16 to make all such quarantine or other regulations as may be necessary  
17 for the preservation of the public health, and to remove all persons  
18 afflicted with any infectious or contagious disease to some suitable  
19 place to be provided for that purpose;

20 (30) To declare what shall be a nuisance, and to abate the same,  
21 and to impose fines upon parties who may create, continue, or suffer  
22 nuisances to exist;

23 (31) To regulate the selling or giving away of intoxicating, malt,  
24 vinous, mixed, or fermented liquors as authorized by the general laws  
25 of the state: PROVIDED, That no license shall be granted to any person  
26 or persons who shall not first comply with the general laws of the  
27 state in force at the time the same is granted;

28 (32) To grant licenses for any lawful purpose, and to fix by  
29 ordinance the amount to be paid therefor, and to provide for revoking  
30 the same. However, no license shall be granted to continue for longer  
31 than one year from the date thereof. A city may not require a business  
32 to be licensed based solely upon registration under or compliance with  
33 the streamlined sales and use tax agreement;

34 (33) To regulate the carrying on within its corporate limits of all  
35 occupations which are of such a nature as to affect the public health  
36 or the good order of said city, or to disturb the public peace, and  
37 which are not prohibited by law, and to provide for the punishment of

1 all persons violating such regulations, and of all persons who  
2 knowingly permit the same to be violated in any building or upon any  
3 premises owned or controlled by them;

4 (34) To restrain and provide for the punishment of vagrants,  
5 mendicants, prostitutes, and other disorderly persons;

6 (35) To provide for the punishment of all disorderly conduct, and  
7 of all practices dangerous to public health or safety, and to make all  
8 regulations necessary for the preservation of public morality, health,  
9 peace, and good order within its limits, and to provide for the arrest,  
10 trial, and punishment of all persons charged with violating any of the  
11 ordinances of said city. The punishment shall not exceed a fine of  
12 five thousand dollars or imprisonment in the city jail for (~~one year~~)  
13 three hundred sixty-four days, or both such fine and imprisonment. The  
14 punishment for any criminal ordinance shall be the same as the  
15 punishment provided in state law for the same crime. Such cities  
16 alternatively may provide that violations of ordinances constitute a  
17 civil violation subject to monetary penalties, but no act which is a  
18 state crime may be made a civil violation;

19 (36) To project or extend its streets over and across any tidelands  
20 within its corporate limits, and along or across the harbor areas of  
21 such city, in such manner as will best promote the interests of  
22 commerce;

23 (37) To provide in their respective charters for a method to  
24 propose and adopt amendments thereto.

25 **Sec. 26.** RCW 35.23.440 and 2009 c 549 s 2053 are each amended to  
26 read as follows:

27 The city council of each second-class city shall have power and  
28 authority:

29 (1) Ordinances: To make and pass all ordinances, orders, and  
30 resolutions not repugnant to the Constitution of the United States or  
31 the state of Washington, or the provisions of this title, necessary for  
32 the municipal government and management of the affairs of the city, for  
33 the execution of the powers vested in said body corporate, and for the  
34 carrying into effect of the provisions of this title.

35 (2) License of shows: To fix and collect a license tax, for the  
36 purposes of revenue and regulation, on theatres, melodeons, balls,  
37 concerts, dances, theatrical, circus, or other performances, and all

1 performances where an admission fee is charged, or which may be held in  
2 any house or place where wines or liquors are sold to the  
3 participators; also all shows, billiard tables, pool tables, bowling  
4 alleys, exhibitions, or amusements.

5 (3) Hotels, etc., licenses: To fix and collect a license tax for  
6 the purposes of revenue and regulation on and to regulate all taverns,  
7 hotels, restaurants, banks, brokers, manufactories, livery stables,  
8 express companies and persons engaged in transmitting letters or  
9 packages, railroad, stage, and steamboat companies or owners, whose  
10 principal place of business is in such city, or who have an agency  
11 therein.

12 (4) Peddlers', etc., licenses: To license, for the purposes of  
13 revenue and regulation, tax, prohibit, suppress, and regulate all  
14 raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands,  
15 booths, or sheds; and to regulate as authorized by state law all  
16 tipling houses, dram shops, saloons, bars, and barrooms.

17 (5) Dance houses: To prohibit or suppress, or to license and  
18 regulate all dance houses, fandango houses, or any exhibition or show  
19 of any animal or animals.

20 (6) License vehicles: To license for the purposes of revenue and  
21 regulation, and to tax hackney coaches, cabs, omnibuses, drays, market  
22 wagons, and all other vehicles used for hire, and to regulate their  
23 stands, and to fix the rates to be charged for the transportation of  
24 persons, baggage, and property.

25 (7) Hotel runners: To license or suppress runners for steamboats,  
26 taverns, or hotels.

27 (8) License generally: To fix and collect a license tax for the  
28 purposes of revenue and regulation, upon all occupations and trades,  
29 and all and every kind of business authorized by law not heretofore  
30 specified. However, on any business, trade, or calling not provided by  
31 law to be licensed for state and county purposes, the amount of license  
32 shall be fixed at the discretion of the city council, as they may deem  
33 the interests and good order of the city may require. A city may not  
34 require a business to be licensed based solely upon registration under  
35 or compliance with the streamlined sales and use tax agreement.

36 (9) Riots: To prevent and restrain any riot or riotous  
37 assemblages, disturbance of the peace, or disorderly conduct in any  
38 place, house, or street in the city.

1 (10) Nuisances: To declare what shall be deemed nuisances; to  
2 prevent, remove, and abate nuisances at the expense of the parties  
3 creating, causing, or committing or maintaining the same, and to levy  
4 a special assessment on the land or premises whereon the nuisance is  
5 situated to defray the cost or to reimburse the city for the cost of  
6 abating the same.

7 (11) Stock pound: To establish, maintain, and regulate a common  
8 pound for estrays, and to appoint a poundkeeper, who shall be paid out  
9 of the fines and fees imposed and collected of the owners of any  
10 animals impounded, and from no other source; to prevent and regulate  
11 the running at large of any and all domestic animals within the city  
12 limits or any parts thereof, and to regulate or prevent the keeping of  
13 such animals within any part of the city.

14 (12) Control of certain trades: To control and regulate  
15 slaughterhouses, washhouses, laundries, tanneries, forges, and  
16 offensive trades, and to provide for their exclusion or removal from  
17 the city limits, or from any part thereof.

18 (13) Street cleaning: To provide, by regulation, for the  
19 prevention and summary removal of all filth and garbage in streets,  
20 sloughs, alleys, back yards, or public grounds of such city, or  
21 elsewhere therein.

22 (14) Gambling, etc.: To prohibit and suppress all gaming and all  
23 gambling or disorderly houses, and houses of ill fame, and all immoral  
24 and indecent amusements, exhibitions, and shows.

25 (15) Markets: To establish and regulate markets and market places.

26 (16) Speed of railroad cars: To fix and regulate the speed at  
27 which any railroad cars, streetcars, automobiles, or other vehicles may  
28 run within the city limits, or any portion thereof.

29 (17) City commons: To provide for and regulate the commons of the  
30 city.

31 (18) Fast driving: To regulate or prohibit fast driving or riding  
32 in any portion of the city.

33 (19) Combustibles: To regulate or prohibit the loading or storage  
34 of gunpowder and combustible or explosive materials in the city, or  
35 transporting the same through its streets or over its waters.

36 (20) Property: To have, purchase, hold, use, and enjoy property of  
37 every name or kind whatsoever, and to sell, lease, transfer, mortgage,



1 convey, control, or improve the same; to build, erect, or construct  
2 houses, buildings, or structures of any kind needful for the use or  
3 purposes of such city.

4 (21) Fire department: To establish, continue, regulate, and  
5 maintain a fire department for such city, to change or reorganize the  
6 same, and to disband any company or companies of the said department;  
7 also, to discontinue and disband said fire department, and to create,  
8 organize, establish, and maintain a paid fire department for such city.

9 (22) Water supply: To adopt, enter into, and carry out means for  
10 securing a supply of water for the use of such city or its inhabitants,  
11 or for irrigation purposes therein.

12 (23) Overflow of water: To prevent the overflow of the city or to  
13 secure its drainage, and to assess the cost thereof to the property  
14 benefited.

15 (24) House numbers: To provide for the numbering of houses.

16 (25) Health board: To establish a board of health; to prevent the  
17 introduction and spread of disease; to establish a city infirmary and  
18 to provide for the indigent sick; and to provide and enforce  
19 regulations for the protection of health, cleanliness, peace, and good  
20 order of the city; to establish and maintain hospitals within or  
21 without the city limits; to control and regulate interments and to  
22 prohibit them within the city limits.

23 (26) Harbors and wharves: To build, alter, improve, keep in  
24 repair, and control the waterfront; to erect, regulate, and repair  
25 wharves, and to fix the rate of wharfage and transit of wharf, and levy  
26 dues upon vessels and commodities; and to provide for the regulation of  
27 berths, landing, stationing, and removing steamboats, sail vessels,  
28 rafts, barges, and all other watercraft; to fix the rate of speed at  
29 which steamboats and other steam watercraft may run along the  
30 waterfront of the city; to build bridges so as not to interfere with  
31 navigation; to provide for the removal of obstructions to the  
32 navigation of any channel or watercourses or channels.

33 (27) License of steamers: To license steamers, boats, and vessels  
34 used in any watercourse in the city, and to fix and collect a license  
35 tax thereon.

36 (28) Ferry licenses: To license ferries and toll bridges under the  
37 law regulating the granting of such license.

1 (29) Penalty for violation of ordinances: To provide that  
2 violations of ordinances with the punishment for any offense not  
3 exceeding a fine of five thousand dollars or imprisonment for (~~more~~  
4 ~~than one year~~) up to three hundred sixty-four days, or both fine and  
5 imprisonment, but the punishment for any criminal ordinance shall be  
6 the same as the punishment provided in state law for the same crime.  
7 Alternatively, such a city may provide that a violation of an ordinance  
8 constitutes a civil violation subject to monetary penalties or to  
9 determine and impose fines for forfeitures and penalties, but no act  
10 which is a state crime may be made a civil violation. A violation of  
11 an order, regulation, or ordinance relating to traffic including  
12 parking, standing, stopping, and pedestrian offenses is a traffic  
13 infraction, except that violation of an order, regulation, or ordinance  
14 equivalent to those provisions of Title 46 RCW set forth in RCW  
15 46.63.020 remains a misdemeanor.

16 (30) Police department: To create and establish a city police; to  
17 prescribe their duties and their compensation; and to provide for the  
18 regulation and government of the same.

19 (31) Examine official accounts: To examine, either in open session  
20 or by committee, the accounts or doings of all officers or other  
21 persons having the care, management, or disposition of moneys,  
22 property, or business of the city.

23 (32) Contracts: To make all appropriations, contracts, or  
24 agreements for the use or benefit of the city and in the city's name.

25 (33) Streets and sidewalks: To provide by ordinance for the  
26 opening, laying out, altering, extending, repairing, grading, paving,  
27 planking, graveling, macadamizing, or otherwise improving of public  
28 streets, avenues, and other public ways, or any portion of any thereof;  
29 and for the construction, regulation, and repair of sidewalks and other  
30 street improvements, all at the expense of the property to be benefited  
31 thereby, without any recourse, in any event, upon the city for any  
32 portion of the expense of such work, or any delinquency of the property  
33 holders or owners, and to provide for the forced sale thereof for such  
34 purposes; to establish a uniform grade for streets, avenues, sidewalks,  
35 and squares, and to enforce the observance thereof.

36 (34) Waterways: To clear, cleanse, alter, straighten, widen, fill  
37 up, or close any waterway, drain, or sewer, or any watercourse in such

1 city when not declared by law to be navigable, and to assess the  
2 expense thereof, in whole or in part, to the property specially  
3 benefited.

4 (35) Sewerage: To adopt, provide for, establish, and maintain a  
5 general system of sewerage, draining, or both, and the regulation  
6 thereof; to provide funds by local assessments on the property  
7 benefited for the purpose aforesaid and to determine the manner, terms,  
8 and place of connection with main or central lines of pipes, sewers, or  
9 drains established, and compel compliance with and conformity to such  
10 general system of sewerage or drainage, or both, and the regulations of  
11 said council thereto relating, by the infliction of suitable penalties  
12 and forfeitures against persons and property, or either, for  
13 nonconformity to, or failure to comply with the provisions of such  
14 system and regulations or either.

15 (36) Buildings and parks: To provide for all public buildings,  
16 public parks, or squares, necessary or proper for the use of the city.

17 (37) Franchises: To permit the use of the streets for railroad or  
18 other public service purposes.

19 (38) Payment of judgments: To order paid any final judgment  
20 against such city, but none of its lands or property of any kind or  
21 nature, taxes, revenue, franchise, or rights, or interest, shall be  
22 attached, levied upon, or sold in or under any process whatsoever.

23 (39) Weighing of fuel: To regulate the sale of coal and wood in  
24 such city, and may appoint a measurer of wood and weigher of coal for  
25 the city, and define his or her duties, and may prescribe his or her  
26 term of office, and the fees he or she shall receive for his or her  
27 services: PROVIDED, That such fees shall in all cases be paid by the  
28 parties requiring such service.

29 (40) Hospitals, etc.: To erect and establish hospitals and  
30 pesthouses and to control and regulate the same.

31 (41) Waterworks: To provide for the erection, purchase, or  
32 otherwise acquiring of waterworks within or without the corporate  
33 limits of the city to supply such city and its inhabitants with water,  
34 and to regulate and control the use and price of the water so supplied.

35 (42) City lights: To provide for lighting the streets and all  
36 public places of the city and for furnishing the inhabitants of the  
37 city with gas, electric, or other light, and for the ownership,  
38 purchase or acquisition, construction, or maintenance of such works as

1 may be necessary or convenient therefor: PROVIDED, That no purchase of  
2 any such water plant or light plant shall be made without first  
3 submitting the question of such purchase to the electors of the city.

4 (43) Parks: To acquire by purchase or otherwise land for public  
5 parks, within or without the limits of the city, and to improve the  
6 same.

7 (44) Bridges: To construct and keep in repair bridges, and to  
8 regulate the use thereof.

9 (45) Power of eminent domain: In the name of and for the use and  
10 benefit of the city, to exercise the right of eminent domain, and to  
11 condemn lands and property for the purposes of streets, alleys, parks,  
12 public grounds, waterworks, or for any other municipal purpose and to  
13 acquire by purchase or otherwise such lands and property as may be  
14 deemed necessary for any of the corporate uses provided for by this  
15 title, as the interests of the city may from time to time require.

16 (46) To provide for the assessment of taxes: To provide for the  
17 assessment, levying, and collecting of taxes on real and personal  
18 property for the corporate uses and purposes of the city and to provide  
19 for the payment of the debts and expenses of the corporation.

20 (47) Local improvements: To provide for making local improvements,  
21 and to levy and collect special assessments on the property benefited  
22 thereby and for paying the same or any portion thereof; to determine  
23 what work shall be done or improvements made, at the expense, in whole  
24 or in part, of the adjoining, contiguous, or proximate property, and to  
25 provide for the manner of making and collecting assessments therefor.

26 (48) Cemeteries: To regulate the burial of the dead and to  
27 establish and regulate cemeteries, within or without the corporate  
28 limits, and to acquire lands therefor by purchase or otherwise.

29 (49) Fire limits: To establish fire limits with proper regulations  
30 and to make all needful regulations for the erection and maintenance of  
31 buildings or other structures within the corporate limits as safety of  
32 persons or property may require, and to cause all such buildings and  
33 places as may from any cause be in a dangerous state to be put in a  
34 safe condition; to regulate the manner in which stone, brick, and other  
35 buildings, party walls, and partition fences shall be constructed and  
36 maintained.

37 (50) Safety and sanitary measures: To require the owners of public  
38 halls, theaters, hotels, and other buildings to provide suitable means

1 of exit and proper fire escapes; to provide for the cleaning and  
2 purification of watercourses and canals and for the draining and  
3 filling up of ponds on private property within its limits when the same  
4 shall be offensive to the senses or dangerous to the health, and to  
5 charge the expense thereof to the property specially benefited, and to  
6 regulate and control and provide for the prevention and punishment of  
7 the defilement or pollution of all streams running in or through its  
8 corporate limits and a distance of five miles beyond its corporate  
9 limits, and of any stream or lake from which the water supply of the  
10 city is or may be taken and for a distance of five miles beyond its  
11 source of supply, and to make all quarantine and other regulations as  
12 may be necessary for the preservation of the public health and to  
13 remove all persons afflicted with any contagious disease to some  
14 suitable place to be provided for that purpose.

15 (51) To regulate liquor traffic: To regulate the selling or giving  
16 away of intoxicating, spirituous, malt, vinous, mixed, or fermented  
17 liquors as authorized by the general laws of the state.

18 (52) To establish streets on tidelands: To project or extend or  
19 establish streets over and across any tidelands within the limits of  
20 such city.

21 (53) To provide for the general welfare.

22 **Sec. 27.** RCW 43.06.240 and 1969 ex.s. c 186 s 5 are each amended  
23 to read as follows:

24 After the proclamation of a state of emergency pursuant to RCW  
25 43.06.010, every person who:

26 (1) Wilfully causes public inconvenience, annoyance, or alarm, or  
27 recklessly creates a risk thereof, by:

28 (a) engaging in fighting or in violent, tumultuous, or threatening  
29 behavior; or

30 (b) making an unreasonable noise or an offensively coarse  
31 utterance, gesture, or display, or addressing abusive language to any  
32 person present; or

33 (c) dispersing any lawful procession or meeting of persons, not  
34 being a peace officer of this state and without lawful authority; or

35 (d) creating a hazardous or physically offensive condition which  
36 serves no legitimate purpose; or

1 (2) Engages with at least one other person in a course of conduct  
2 as defined in subsection (1) of this section which is likely to cause  
3 substantial harm or serious inconvenience, annoyance, or alarm, and  
4 refuses or knowingly fails to obey an order to disperse made by a peace  
5 officer shall be guilty of disorderly conduct and be punished by  
6 imprisonment in the county jail for (~~not more than one year~~) up to  
7 three hundred sixty-four days or fined not more than one thousand  
8 dollars or by both fine and imprisonment.

9 **Sec. 28.** RCW 43.22.290 and 1965 c 8 s 43.22.290 are each amended  
10 to read as follows:

11 Every owner, operator, or manager of a factory, workshop, mill,  
12 mine, or other establishment where labor is employed, shall make to the  
13 department, upon blanks furnished by it, such reports and returns as  
14 the department may require, for the purpose of compiling such labor  
15 statistics as are authorized by this chapter, and the owner or business  
16 manager shall make such reports and returns within the time prescribed  
17 therefor by the director, and shall certify to the correctness thereof.

18 In the reports of the department no use shall be made of the names  
19 of individuals, firms, or corporations supplying the information called  
20 for by this section, such information being deemed confidential, and  
21 not for the purpose of disclosing personal affairs, and any officer,  
22 agent, or employee of the department violating this provision shall be  
23 fined a sum not exceeding five hundred dollars, or be imprisoned for  
24 (~~not more than one year~~) up to three hundred sixty-four days.

25 **Sec. 29.** RCW 43.63A.485 and 1993 c 124 s 4 are each amended to  
26 read as follows:

27 (1) A person who violates any of the provisions of the National  
28 Manufactured Housing Construction and Safety Standards Act of 1974 (800  
29 Stat. 700; 42 U.S.C. Secs. 5401-5426) applicable to RCW (~~43.63A.465~~)  
30 43.22A.030, 43.63A.470, 43.63A.475, and 43.63A.480 or any rules adopted  
31 under RCW (~~43.63A.465~~) 43.22A.030, 43.63A.470, 43.63A.475, and  
32 43.63A.480 is liable to the state of Washington for a civil penalty of  
33 not to exceed one thousand dollars for each such violation. Each  
34 violation of the provisions of the National Manufactured Housing  
35 Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C.  
36 Secs. 5401-5426) applicable to RCW (~~43.63A.465~~) 43.22A.030,

1 43.63A.470, 43.63A.475, and 43.63A.480 or any rules adopted under RCW  
2 ((~~43.63A.465~~)) 43.22A.030, 43.63A.470, 43.63A.475, and 43.63A.480,  
3 shall constitute a separate violation with respect to each manufactured  
4 home or with respect to each failure or refusal to allow or perform an  
5 act required thereby, except that the maximum civil penalty may not  
6 exceed one million dollars for any related series of violations  
7 occurring within one year from the date of the first violation.

8 (2) An individual or a director, officer, or agent of a corporation  
9 who knowingly and willfully violates any of the provisions of RCW  
10 ((~~43.63A.465~~)) 43.22A.030, 43.63A.470, 43.63A.475, and 43.63A.480 or  
11 any rules adopted under RCW ((~~43.63A.465~~)) 43.22A.030, 43.63A.470,  
12 43.63A.475, and 43.63A.480, in a manner that threatens the health or  
13 safety of any purchaser, shall be fined not more than one thousand  
14 dollars or imprisoned ((~~not more than one year~~)) up to three hundred  
15 sixty-four days, or both.

16 (3) Any legal fees, court costs, expert witness fees, and staff  
17 costs expended by the state in successfully pursuing violators of RCW  
18 ((~~43.63A.465~~)) 43.22A.030, 43.63A.470, 43.63A.475, and 43.63A.480 shall  
19 be reimbursed in full by the violators.

20 **Sec. 30.** RCW 46.12.640 and 2005 c 274 s 305 are each amended to  
21 read as follows:

22 (1) The department may review the activities of a person who  
23 receives vehicle record information to ensure compliance with the  
24 limitations imposed on the use of the information. The department  
25 shall suspend or revoke for up to five years the privilege of obtaining  
26 vehicle record information of a person found to be in violation of  
27 chapter 42.56 RCW, this chapter, or a disclosure agreement executed  
28 with the department.

29 (2) In addition to the penalty in subsection (1) of this section:

30 (a) The unauthorized disclosure of information from a department  
31 vehicle record; or

32 (b) The use of a false representation to obtain information from  
33 the department's vehicle records; or

34 (c) The use of information obtained from the department vehicle  
35 records for a purpose other than what is stated in the request for  
36 information or in the disclosure agreement executed with the  
37 department; or

1 (d) The sale or other distribution of any vehicle owner name or  
2 address to another person not disclosed in the request or disclosure  
3 agreement  
4 is a gross misdemeanor punishable by a fine not to exceed ten thousand  
5 dollars, or by imprisonment in a county jail (~~not to exceed one year~~)  
6 for up to three hundred sixty-four days, or by both such fine and  
7 imprisonment for each violation.

8 **Sec. 31.** RCW 46.16A.030 and 2010 c 270 s 1, 2010 c 217 s 5, and  
9 2010 c 161 s 403 are each reenacted and amended to read as follows:

10 (1) Vehicles must be registered as required by this chapter and  
11 must display license plates or decals assigned by the department.

12 (2) It is unlawful for a person to operate any vehicle on a public  
13 highway of this state without having in full force and effect a current  
14 and proper vehicle registration and displaying license plates on the  
15 vehicle.

16 (3) Vehicle license plates or registration certificates, whether  
17 original issues or duplicates, may not be issued or furnished by the  
18 department until the applicant makes satisfactory application for a  
19 certificate of title or presents satisfactory evidence that a  
20 certificate of title covering the vehicle has been previously issued.

21 (4) Failure to make initial registration before operating a vehicle  
22 on the public highways of this state is a traffic infraction. A person  
23 committing this infraction must pay a fine of five hundred twenty-nine  
24 dollars, which may not be suspended, deferred, or reduced. This fine  
25 is in addition to any delinquent taxes and fees that must be deposited  
26 and distributed in the same manner as if the taxes and fees were  
27 properly paid in a timely fashion. The five hundred twenty-nine dollar  
28 fine must be deposited into the vehicle licensing fraud account created  
29 in the state treasury in RCW 46.68.250.

30 (5) Failure to renew an expired registration before operating a  
31 vehicle on the public highways of this state is a traffic infraction.

32 (6) It is a gross misdemeanor for a resident, as identified in RCW  
33 46.16A.140, to register a vehicle in another state, evading the payment  
34 of any tax or vehicle license fee imposed in connection with  
35 registration. It is punishable, in lieu of the fine in subsection (4)  
36 of this section, as follows:

37 (a) For a first offense:



1 (i) Up to (~~one year~~) three hundred sixty-four days in the county  
2 jail;

3 (ii) Payment of a fine of five hundred twenty-nine dollars plus any  
4 applicable assessments, which may not be suspended, deferred, or  
5 reduced. The fine of five hundred twenty-nine dollars must be  
6 deposited into the vehicle licensing fraud account created in the state  
7 treasury in RCW 46.68.250;

8 (iii) A fine of one thousand dollars to be deposited into the  
9 vehicle licensing fraud account created in the state treasury in RCW  
10 46.68.250, which may not be suspended, deferred, or reduced; and

11 (iv) The delinquent taxes and fees, which must be deposited and  
12 distributed in the same manner as if the taxes and fees were properly  
13 paid in a timely fashion, and which may not be suspended, deferred, or  
14 reduced;

15 (b) For a second or subsequent offense:

16 (i) Up to (~~one year~~) three hundred sixty-four days in the county  
17 jail;

18 (ii) Payment of a fine of five hundred twenty-nine dollars plus any  
19 applicable assessments, which may not be suspended, deferred, or  
20 reduced. The fine of five hundred twenty-nine dollars must be  
21 deposited into the vehicle licensing fraud account created in the state  
22 treasury in RCW 46.68.250;

23 (iii) A fine of five thousand dollars to be deposited into the  
24 vehicle licensing fraud account created in the state treasury in RCW  
25 46.68.250, which may not be suspended, deferred, or reduced; and

26 (iv) The amount of delinquent taxes and fees, which must be  
27 deposited and distributed in the same manner as if the taxes and fees  
28 were properly paid in a timely fashion, and which may not be suspended,  
29 deferred, or reduced.

30 (7) A vehicle with an expired registration of more than forty-five  
31 days parked on a public street may be impounded by a police officer  
32 under RCW 46.55.113(2).

33 **Sec. 32.** RCW 46.19.010 and 2010 c 161 s 701 are each amended to  
34 read as follows:

35 (1) A natural person who has a disability that meets one of the  
36 following criteria may apply for special parking privileges:

37 (a) Cannot walk two hundred feet without stopping to rest;

1 (b) Is severely limited in ability to walk due to arthritic,  
2 neurological, or orthopedic condition;

3 (c) Has such a severe disability that the person cannot walk  
4 without the use of or assistance from a brace, cane, another person,  
5 prosthetic device, wheelchair, or other assistive device;

6 (d) Uses portable oxygen;

7 (e) Is restricted by lung disease to an extent that forced  
8 expiratory respiratory volume, when measured by spirometry, is less  
9 than one liter per second or the arterial oxygen tension is less than  
10 sixty mm/hg on room air at rest;

11 (f) Impairment by cardiovascular disease or cardiac condition to  
12 the extent that the person's functional limitations are classified as  
13 class III or IV under standards accepted by the American heart  
14 association;

15 (g) Has a disability resulting from an acute sensitivity to  
16 automobile emissions that limits or impairs the ability to walk. The  
17 personal physician, advanced registered nurse practitioner, or  
18 physician assistant of the applicant shall document that the disability  
19 is comparable in severity to the others listed in this subsection;

20 (h) Has limited mobility and has no vision or whose vision with  
21 corrective lenses is so limited that the person requires alternative  
22 methods or skills to do efficiently those things that are ordinarily  
23 done with sight by persons with normal vision;

24 (i) Has an eye condition of a progressive nature that may lead to  
25 blindness; or

26 (j) Is restricted by a form of porphyria to the extent that the  
27 applicant would significantly benefit from a decrease in exposure to  
28 light.

29 (2) The disability must be determined by either:

30 (a) A licensed physician;

31 (b) An advanced registered nurse practitioner licensed under  
32 chapter 18.79 RCW; or

33 (c) A physician assistant licensed under chapter 18.71A or 18.57A  
34 RCW.

35 (3) The application for special parking privileges for persons with  
36 disabilities must contain:

37 (a) The following statement immediately below the physician's,  
38 advanced registered nurse practitioner's, or physician assistant's

1 signature: "A parking permit for a person with disabilities may be  
2 issued only for a medical necessity that severely affects mobility or  
3 involves acute sensitivity to light (RCW 46.19.010). Knowingly  
4 providing false information on this application is a gross misdemeanor.  
5 The penalty is (~~up to one year~~) up to three hundred sixty-four days  
6 in jail and a fine of up to \$5,000 or both"; and

7 (b) Other information as required by the department.

8 (4) A natural person who has a disability described in subsection  
9 (1) of this section and is expected to improve within six months may be  
10 issued a temporary placard for a period not to exceed six months. If  
11 the disability exists after six months, a new temporary placard must be  
12 issued upon receipt of a new application with certification from the  
13 person's physician. Special license plates for persons with  
14 disabilities may not be issued to a person with a temporary disability.

15 (5) A natural person who qualifies for special parking privileges  
16 under this section must receive an identification card showing the name  
17 and date of birth of the person to whom the parking privilege has been  
18 issued and the serial number of the placard.

19 (6) A natural person who qualifies for permanent special parking  
20 privileges under this section may receive one of the following:

21 (a) Up to two parking placards;

22 (b) One set of special license plates for persons with disabilities  
23 if the person with the disability is the registered owner of the  
24 vehicle on which the license plates will be displayed;

25 (c) One parking placard and one set of special license plates for  
26 persons with disabilities if the person with the disability is the  
27 registered owner of the vehicle on which the license plates will be  
28 displayed; or

29 (d) One special parking year tab for persons with disabilities and  
30 one parking placard.

31 (7) Parking placards and identification cards described in this  
32 section must be issued free of charge.

33 (8) The parking placard and identification card must be immediately  
34 returned to the department upon the placard holder's death.

35 **Sec. 33.** RCW 46.37.650 and 2003 c 33 s 2 are each amended to read  
36 as follows:

37 (1) A person is guilty of a gross misdemeanor if he or she knew or

1 reasonably should have known that an air bag he or she installs or  
2 reinstalls in a vehicle for compensation, or distributes as an auto  
3 part, is a previously deployed air bag that is part of an inflatable  
4 restraint system.

5 (2) A person found guilty under subsection (1) of this section  
6 shall be punished by a fine of not more than five thousand dollars or  
7 by confinement in the county jail for ~~((not more than one year))~~ up to  
8 three hundred sixty-four days, or both.

9 **Sec. 34.** RCW 46.61.500 and 1990 c 291 s 1 are each amended to read  
10 as follows:

11 (1) Any person who drives any vehicle in willful or wanton  
12 disregard for the safety of persons or property is guilty of reckless  
13 driving. Violation of the provisions of this section is a gross  
14 misdemeanor punishable by imprisonment ~~((of not more than one year))~~  
15 for up to three hundred sixty-four days and by a fine of not more than  
16 five thousand dollars.

17 (2) The license or permit to drive or any nonresident privilege of  
18 any person convicted of reckless driving shall be suspended by the  
19 department for not less than thirty days.

20 **Sec. 35.** RCW 46.61.5055 and 2010 c 269 s 4 are each amended to  
21 read as follows:

22 (1) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a  
23 person who is convicted of a violation of RCW 46.61.502 or 46.61.504  
24 and who has no prior offense within seven years shall be punished as  
25 follows:

26 (a) In the case of a person whose alcohol concentration was less  
27 than 0.15, or for whom for reasons other than the person's refusal to  
28 take a test offered pursuant to RCW 46.20.308 there is no test result  
29 indicating the person's alcohol concentration:

30 (i) By imprisonment for not less than one day nor more than ~~((one~~  
31 ~~year))~~ three hundred sixty-four days. Twenty-four consecutive hours of  
32 the imprisonment may not be suspended or deferred unless the court  
33 finds that the imposition of this mandatory minimum sentence would  
34 impose a substantial risk to the offender's physical or mental well-  
35 being. Whenever the mandatory minimum sentence is suspended or  
36 deferred, the court shall state in writing the reason for granting the

1 suspension or deferral and the facts upon which the suspension or  
2 deferral is based. In lieu of the mandatory minimum term of  
3 imprisonment required under this subsection (1)(a)(i), the court may  
4 order not less than fifteen days of electronic home monitoring. The  
5 offender shall pay the cost of electronic home monitoring. The county  
6 or municipality in which the penalty is being imposed shall determine  
7 the cost. The court may also require the offender's electronic home  
8 monitoring device to include an alcohol detection breathalyzer, and the  
9 court may restrict the amount of alcohol the offender may consume  
10 during the time the offender is on electronic home monitoring; and

11 (ii) By a fine of not less than three hundred fifty dollars nor  
12 more than five thousand dollars. Three hundred fifty dollars of the  
13 fine may not be suspended or deferred unless the court finds the  
14 offender to be indigent; or

15 (b) In the case of a person whose alcohol concentration was at  
16 least 0.15, or for whom by reason of the person's refusal to take a  
17 test offered pursuant to RCW 46.20.308 there is no test result  
18 indicating the person's alcohol concentration:

19 (i) By imprisonment for not less than two days nor more than (~~one~~  
20 ~~year~~) three hundred sixty-four days. Two consecutive days of the  
21 imprisonment may not be suspended or deferred unless the court finds  
22 that the imposition of this mandatory minimum sentence would impose a  
23 substantial risk to the offender's physical or mental well-being.  
24 Whenever the mandatory minimum sentence is suspended or deferred, the  
25 court shall state in writing the reason for granting the suspension or  
26 deferral and the facts upon which the suspension or deferral is based.  
27 In lieu of the mandatory minimum term of imprisonment required under  
28 this subsection (1)(b)(i), the court may order not less than thirty  
29 days of electronic home monitoring. The offender shall pay the cost of  
30 electronic home monitoring. The county or municipality in which the  
31 penalty is being imposed shall determine the cost. The court may also  
32 require the offender's electronic home monitoring device to include an  
33 alcohol detection breathalyzer, and the court may restrict the amount  
34 of alcohol the offender may consume during the time the offender is on  
35 electronic home monitoring; and

36 (ii) By a fine of not less than five hundred dollars nor more than  
37 five thousand dollars. Five hundred dollars of the fine may not be

1 suspended or deferred unless the court finds the offender to be  
2 indigent.

3 (2) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a  
4 person who is convicted of a violation of RCW 46.61.502 or 46.61.504  
5 and who has one prior offense within seven years shall be punished as  
6 follows:

7 (a) In the case of a person whose alcohol concentration was less  
8 than 0.15, or for whom for reasons other than the person's refusal to  
9 take a test offered pursuant to RCW 46.20.308 there is no test result  
10 indicating the person's alcohol concentration:

11 (i) By imprisonment for not less than thirty days nor more than  
12 (~~one year~~) three hundred sixty-four days and sixty days of electronic  
13 home monitoring. The offender shall pay for the cost of the electronic  
14 monitoring. The county or municipality where the penalty is being  
15 imposed shall determine the cost. The court may also require the  
16 offender's electronic home monitoring device include an alcohol  
17 detection breathalyzer, and may restrict the amount of alcohol the  
18 offender may consume during the time the offender is on electronic home  
19 monitoring. Thirty days of imprisonment and sixty days of electronic  
20 home monitoring may not be suspended or deferred unless the court finds  
21 that the imposition of this mandatory minimum sentence would impose a  
22 substantial risk to the offender's physical or mental well-being.  
23 Whenever the mandatory minimum sentence is suspended or deferred, the  
24 court shall state in writing the reason for granting the suspension or  
25 deferral and the facts upon which the suspension or deferral is based;  
26 and

27 (ii) By a fine of not less than five hundred dollars nor more than  
28 five thousand dollars. Five hundred dollars of the fine may not be  
29 suspended or deferred unless the court finds the offender to be  
30 indigent; or

31 (b) In the case of a person whose alcohol concentration was at  
32 least 0.15, or for whom by reason of the person's refusal to take a  
33 test offered pursuant to RCW 46.20.308 there is no test result  
34 indicating the person's alcohol concentration:

35 (i) By imprisonment for not less than forty-five days nor more than  
36 (~~one year~~) three hundred sixty-four days and ninety days of  
37 electronic home monitoring. The offender shall pay for the cost of the  
38 electronic monitoring. The county or municipality where the penalty is

1 being imposed shall determine the cost. The court may also require the  
2 offender's electronic home monitoring device include an alcohol  
3 detection breathalyzer, and may restrict the amount of alcohol the  
4 offender may consume during the time the offender is on electronic home  
5 monitoring. Forty-five days of imprisonment and ninety days of  
6 electronic home monitoring may not be suspended or deferred unless the  
7 court finds that the imposition of this mandatory minimum sentence  
8 would impose a substantial risk to the offender's physical or mental  
9 well-being. Whenever the mandatory minimum sentence is suspended or  
10 deferred, the court shall state in writing the reason for granting the  
11 suspension or deferral and the facts upon which the suspension or  
12 deferral is based; and

13 (ii) By a fine of not less than seven hundred fifty dollars nor  
14 more than five thousand dollars. Seven hundred fifty dollars of the  
15 fine may not be suspended or deferred unless the court finds the  
16 offender to be indigent.

17 (3) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a  
18 person who is convicted of a violation of RCW 46.61.502 or 46.61.504  
19 and who has two or three prior offenses within seven years shall be  
20 punished as follows:

21 (a) In the case of a person whose alcohol concentration was less  
22 than 0.15, or for whom for reasons other than the person's refusal to  
23 take a test offered pursuant to RCW 46.20.308 there is no test result  
24 indicating the person's alcohol concentration:

25 (i) By imprisonment for not less than ninety days nor more than  
26 (~~one year~~) three hundred sixty-four days and one hundred twenty days  
27 of electronic home monitoring. The offender shall pay for the cost of  
28 the electronic monitoring. The county or municipality where the  
29 penalty is being imposed shall determine the cost. The court may also  
30 require the offender's electronic home monitoring device include an  
31 alcohol detection breathalyzer, and may restrict the amount of alcohol  
32 the offender may consume during the time the offender is on electronic  
33 home monitoring. Ninety days of imprisonment and one hundred twenty  
34 days of electronic home monitoring may not be suspended or deferred  
35 unless the court finds that the imposition of this mandatory minimum  
36 sentence would impose a substantial risk to the offender's physical or  
37 mental well-being. Whenever the mandatory minimum sentence is

1 suspended or deferred, the court shall state in writing the reason for  
2 granting the suspension or deferral and the facts upon which the  
3 suspension or deferral is based; and

4 (ii) By a fine of not less than one thousand dollars nor more than  
5 five thousand dollars. One thousand dollars of the fine may not be  
6 suspended or deferred unless the court finds the offender to be  
7 indigent; or

8 (b) In the case of a person whose alcohol concentration was at  
9 least 0.15, or for whom by reason of the person's refusal to take a  
10 test offered pursuant to RCW 46.20.308 there is no test result  
11 indicating the person's alcohol concentration:

12 (i) By imprisonment for not less than one hundred twenty days nor  
13 more than (~~one year~~) three hundred sixty-four days and one hundred  
14 fifty days of electronic home monitoring. The offender shall pay for  
15 the cost of the electronic monitoring. The county or municipality  
16 where the penalty is being imposed shall determine the cost. The court  
17 may also require the offender's electronic home monitoring device  
18 include an alcohol detection breathalyzer, and may restrict the amount  
19 of alcohol the offender may consume during the time the offender is on  
20 electronic home monitoring. One hundred twenty days of imprisonment  
21 and one hundred fifty days of electronic home monitoring may not be  
22 suspended or deferred unless the court finds that the imposition of  
23 this mandatory minimum sentence would impose a substantial risk to the  
24 offender's physical or mental well-being. Whenever the mandatory  
25 minimum sentence is suspended or deferred, the court shall state in  
26 writing the reason for granting the suspension or deferral and the  
27 facts upon which the suspension or deferral is based; and

28 (ii) By a fine of not less than one thousand five hundred dollars  
29 nor more than five thousand dollars. One thousand five hundred dollars  
30 of the fine may not be suspended or deferred unless the court finds the  
31 offender to be indigent.

32 (4) A person who is convicted of a violation of RCW 46.61.502 or  
33 46.61.504 shall be punished under chapter 9.94A RCW if: (a) The person  
34 has four or more prior offenses within ten years; or (b) the person has  
35 ever previously been convicted of: (i) A violation of RCW 46.61.520  
36 committed while under the influence of intoxicating liquor or any drug;  
37 (ii) a violation of RCW 46.61.522 committed while under the influence



1 of intoxicating liquor or any drug; or (iii) an out-of-state offense  
2 comparable to the offense specified in (b)(i) or (ii) of this  
3 subsection.

4 (5)(a) The court shall require any person convicted of a violation  
5 of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to apply  
6 for an ignition interlock driver's license from the department and to  
7 have a functioning ignition interlock device installed on all motor  
8 vehicles operated by the person.

9 (b) The installation of an ignition interlock device is not  
10 necessary on vehicles owned, leased, or rented by a person's employer  
11 and on those vehicles whose care and/or maintenance is the temporary  
12 responsibility of the employer, and driven at the direction of a  
13 person's employer as a requirement of employment during working hours.  
14 The person must provide the department with a declaration pursuant to  
15 RCW 9A.72.085 from his or her employer stating that the person's  
16 employment requires the person to operate a vehicle owned by the  
17 employer or other persons during working hours.

18 (c) An ignition interlock device imposed under this section shall  
19 be calibrated to prevent a motor vehicle from being started when the  
20 breath sample provided has an alcohol concentration of 0.025 or more.

21 (d) The court may waive the requirement that a person apply for an  
22 ignition interlock driver's license if the court makes a specific  
23 finding in writing that:

24 (i) The person lives out-of-state and the devices are not  
25 reasonably available in the person's local area;

26 (ii) The person does not operate a vehicle; or

27 (iii) The person is not eligible to receive an ignition interlock  
28 driver's license under RCW 46.20.385 because the person is not a  
29 resident of Washington, is a habitual traffic offender, has already  
30 applied for or is already in possession of an ignition interlock  
31 driver's license, has never had a driver's license, has been certified  
32 under chapter 74.20A RCW as noncompliant with a child support order, or  
33 is subject to any other condition or circumstance that makes the person  
34 ineligible to obtain an ignition interlock driver's license.

35 (e) If a court finds that a person is not eligible to receive an  
36 ignition interlock driver's license under this section, the court is  
37 not required to make any further subsequent inquiry or determination as  
38 to the person's eligibility.

1 (f) If the court orders that a person refrain from consuming any  
2 alcohol and requires the person to apply for an ignition interlock  
3 driver's license, and the person states that he or she does not operate  
4 a motor vehicle or the person is ineligible to obtain an ignition  
5 interlock driver's license, the court shall order the person to submit  
6 to alcohol monitoring through an alcohol detection breathalyzer device,  
7 transdermal sensor device, or other technology designed to detect  
8 alcohol in a person's system. The person shall pay for the cost of the  
9 monitoring. The county or municipality where the penalty is being  
10 imposed shall determine the cost.

11 (g) The period of time for which ignition interlock use or alcohol  
12 monitoring is required will be as follows:

13 (i) For a person who has not previously been restricted under this  
14 section, a period of one year;

15 (ii) For a person who has previously been restricted under (g)(i)  
16 of this subsection, a period of five years;

17 (iii) For a person who has previously been restricted under (g)(ii)  
18 of this subsection, a period of ten years.

19 (6) If a person who is convicted of a violation of RCW 46.61.502 or  
20 46.61.504 committed the offense while a passenger under the age of  
21 sixteen was in the vehicle, the court shall:

22 (a) In any case in which the installation and use of an interlock  
23 or other device is not mandatory under RCW 46.20.720 or other law,  
24 order the use of such a device for not less than sixty days following  
25 the restoration of the person's license, permit, or nonresident driving  
26 privileges; and

27 (b) In any case in which the installation and use of such a device  
28 is otherwise mandatory, order the use of such a device for an  
29 additional sixty days.

30 (7) In exercising its discretion in setting penalties within the  
31 limits allowed by this section, the court shall particularly consider  
32 the following:

33 (a) Whether the person's driving at the time of the offense was  
34 responsible for injury or damage to another or another's property; and

35 (b) Whether at the time of the offense the person was driving or in  
36 physical control of a vehicle with one or more passengers.

37 (8) An offender punishable under this section is subject to the  
38 alcohol assessment and treatment provisions of RCW 46.61.5056.

1 (9) The license, permit, or nonresident privilege of a person  
2 convicted of driving or being in physical control of a motor vehicle  
3 while under the influence of intoxicating liquor or drugs must:

4 (a) If the person's alcohol concentration was less than 0.15, or if  
5 for reasons other than the person's refusal to take a test offered  
6 under RCW 46.20.308 there is no test result indicating the person's  
7 alcohol concentration:

8 (i) Where there has been no prior offense within seven years, be  
9 suspended or denied by the department for ninety days;

10 (ii) Where there has been one prior offense within seven years, be  
11 revoked or denied by the department for two years; or

12 (iii) Where there have been two or more prior offenses within seven  
13 years, be revoked or denied by the department for three years;

14 (b) If the person's alcohol concentration was at least 0.15:

15 (i) Where there has been no prior offense within seven years, be  
16 revoked or denied by the department for one year;

17 (ii) Where there has been one prior offense within seven years, be  
18 revoked or denied by the department for nine hundred days; or

19 (iii) Where there have been two or more prior offenses within seven  
20 years, be revoked or denied by the department for four years; or

21 (c) If by reason of the person's refusal to take a test offered  
22 under RCW 46.20.308, there is no test result indicating the person's  
23 alcohol concentration:

24 (i) Where there have been no prior offenses within seven years, be  
25 revoked or denied by the department for two years;

26 (ii) Where there has been one prior offense within seven years, be  
27 revoked or denied by the department for three years; or

28 (iii) Where there have been two or more previous offenses within  
29 seven years, be revoked or denied by the department for four years.

30 The department shall grant credit on a day-for-day basis for any  
31 portion of a suspension, revocation, or denial already served under  
32 this subsection for a suspension, revocation, or denial imposed under  
33 RCW 46.20.3101 arising out of the same incident.

34 For purposes of this subsection (9), the department shall refer to  
35 the driver's record maintained under RCW 46.52.120 when determining the  
36 existence of prior offenses.

37 (10) After expiration of any period of suspension, revocation, or

1 denial of the offender's license, permit, or privilege to drive  
2 required by this section, the department shall place the offender's  
3 driving privilege in probationary status pursuant to RCW 46.20.355.

4 (11)(a) In addition to any nonsuspendable and nondeferrable jail  
5 sentence required by this section, whenever the court imposes (~~less~~  
6 ~~than one year~~) up to three hundred sixty-four days in jail, the court  
7 shall also suspend but shall not defer a period of confinement for a  
8 period not exceeding five years. The court shall impose conditions of  
9 probation that include: (i) Not driving a motor vehicle within this  
10 state without a valid license to drive and proof of financial  
11 responsibility for the future; (ii) not driving a motor vehicle within  
12 this state while having an alcohol concentration of 0.08 or more within  
13 two hours after driving; and (iii) not refusing to submit to a test of  
14 his or her breath or blood to determine alcohol concentration upon  
15 request of a law enforcement officer who has reasonable grounds to  
16 believe the person was driving or was in actual physical control of a  
17 motor vehicle within this state while under the influence of  
18 intoxicating liquor. The court may impose conditions of probation that  
19 include nonrepetition, installation of an ignition interlock device on  
20 the probationer's motor vehicle, alcohol or drug treatment, supervised  
21 probation, or other conditions that may be appropriate. The sentence  
22 may be imposed in whole or in part upon violation of a condition of  
23 probation during the suspension period.

24 (b) For each violation of mandatory conditions of probation under  
25 (a)(i), (ii), or (iii) of this subsection, the court shall order the  
26 convicted person to be confined for thirty days, which shall not be  
27 suspended or deferred.

28 (c) For each incident involving a violation of a mandatory  
29 condition of probation imposed under this subsection, the license,  
30 permit, or privilege to drive of the person shall be suspended by the  
31 court for thirty days or, if such license, permit, or privilege to  
32 drive already is suspended, revoked, or denied at the time the finding  
33 of probation violation is made, the suspension, revocation, or denial  
34 then in effect shall be extended by thirty days. The court shall  
35 notify the department of any suspension, revocation, or denial or any  
36 extension of a suspension, revocation, or denial imposed under this  
37 subsection.

1 (12) A court may waive the electronic home monitoring requirements  
2 of this chapter when:

3 (a) The offender does not have a dwelling, telephone service, or  
4 any other necessity to operate an electronic home monitoring system;

5 (b) The offender does not reside in the state of Washington; or

6 (c) The court determines that there is reason to believe that the  
7 offender would violate the conditions of the electronic home monitoring  
8 penalty.

9 Whenever the mandatory minimum term of electronic home monitoring  
10 is waived, the court shall state in writing the reason for granting the  
11 waiver and the facts upon which the waiver is based, and shall impose  
12 an alternative sentence with similar punitive consequences. The  
13 alternative sentence may include, but is not limited to, additional  
14 jail time, work crew, or work camp.

15 Whenever the combination of jail time and electronic home  
16 monitoring or alternative sentence would exceed three hundred (~~sixty-~~  
17 ~~five~~) sixty-four days, the offender shall serve the jail portion of  
18 the sentence first, and the electronic home monitoring or alternative  
19 portion of the sentence shall be reduced so that the combination does  
20 not exceed three hundred (~~sixty-five~~) sixty-four days.

21 (13) An offender serving a sentence under this section, whether or  
22 not a mandatory minimum term has expired, may be granted an  
23 extraordinary medical placement by the jail administrator subject to  
24 the standards and limitations set forth in RCW 9.94A.728(3).

25 (14) For purposes of this section and RCW 46.61.502 and 46.61.504:

26 (a) A "prior offense" means any of the following:

27 (i) A conviction for a violation of RCW 46.61.502 or an equivalent  
28 local ordinance;

29 (ii) A conviction for a violation of RCW 46.61.504 or an equivalent  
30 local ordinance;

31 (iii) A conviction for a violation of RCW 46.61.520 committed while  
32 under the influence of intoxicating liquor or any drug;

33 (iv) A conviction for a violation of RCW 46.61.522 committed while  
34 under the influence of intoxicating liquor or any drug;

35 (v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or  
36 9A.36.050 or an equivalent local ordinance, if the conviction is the  
37 result of a charge that was originally filed as a violation of RCW

1 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW  
2 46.61.520 or 46.61.522;

3 (vi) An out-of-state conviction for a violation that would have  
4 been a violation of (a)(i), (ii), (iii), (iv), or (v) of this  
5 subsection if committed in this state;

6 (vii) A deferred prosecution under chapter 10.05 RCW granted in a  
7 prosecution for a violation of RCW 46.61.502, 46.61.504, or an  
8 equivalent local ordinance; or

9 (viii) A deferred prosecution under chapter 10.05 RCW granted in a  
10 prosecution for a violation of RCW 46.61.5249, or an equivalent local  
11 ordinance, if the charge under which the deferred prosecution was  
12 granted was originally filed as a violation of RCW 46.61.502 or  
13 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or  
14 46.61.522;

15 If a deferred prosecution is revoked based on a subsequent  
16 conviction for an offense listed in this subsection (14)(a), the  
17 subsequent conviction shall not be treated as a prior offense of the  
18 revoked deferred prosecution for the purposes of sentencing;

19 (b) "Within seven years" means that the arrest for a prior offense  
20 occurred within seven years before or after the arrest for the current  
21 offense; and

22 (c) "Within ten years" means that the arrest for a prior offense  
23 occurred within ten years before or after the arrest for the current  
24 offense.

25 **Sec. 36.** RCW 46.70.021 and 2003 c 53 s 249 are each amended to  
26 read as follows:

27 (1) It is unlawful for any person, firm, or association to act as  
28 a vehicle dealer or vehicle manufacturer, to engage in business as  
29 such, serve in the capacity of such, advertise himself, herself, or  
30 themselves as such, solicit sales as such, or distribute or transfer  
31 vehicles for resale in this state, without first obtaining and holding  
32 a current license as provided in this chapter, unless the title of the  
33 vehicle is in the name of the seller.

34 (2) It is unlawful for any person other than a licensed vehicle  
35 dealer to display a vehicle for sale unless the registered owner or  
36 legal owner is the displayer or holds a notarized power of attorney.

1 (3)(a) Except as provided in (b) of this subsection, a person or  
2 firm engaged in buying and offering for sale, or buying and selling  
3 five or more vehicles in a twelve-month period, or in any other way  
4 engaged in dealer activity without holding a vehicle dealer license, is  
5 guilty of a gross misdemeanor, and upon conviction subject to a fine of  
6 up to five thousand dollars for each violation and up to (~~one year~~)  
7 three hundred sixty-four days in jail.

8 (b) A second offense is a class C felony punishable under chapter  
9 9A.20 RCW.

10 (4) A violation of this section is also a per se violation of  
11 chapter 19.86 RCW and is considered a deceptive practice.

12 (5) The department of licensing, the Washington state patrol, the  
13 attorney general's office, and the department of revenue shall  
14 cooperate in the enforcement of this section.

15 (6) A distributor, factory branch, or factory representative shall  
16 not be required to have a vehicle manufacturer license so long as the  
17 vehicle manufacturer so represented is properly licensed pursuant to  
18 this chapter.

19 (7) Nothing in this chapter prohibits financial institutions from  
20 cooperating with vehicle dealers licensed under this chapter in dealer  
21 sales or leases. However, financial institutions shall not broker  
22 vehicles and cooperation is limited to organizing, promoting, and  
23 financing of such dealer sales or leases.

24 **Sec. 37.** RCW 48.01.080 and 2003 c 250 s 1 are each amended to read  
25 as follows:

26 Except as otherwise provided in this code, any person violating any  
27 provision of this code is guilty of a gross misdemeanor and will, upon  
28 conviction, be fined not less than ten dollars nor more than one  
29 thousand dollars, or imprisoned for not more than (~~one year~~) three  
30 hundred sixty-four days, or both, in addition to any other penalty or  
31 forfeiture provided herein or otherwise by law.

32 **Sec. 38.** RCW 48.31.105 and 2003 c 53 s 272 are each amended to  
33 read as follows:

34 (1) An officer, manager, director, trustee, owner, employee, or  
35 agent of an insurer or other person with authority over or in charge of  
36 a segment of the insurer's affairs shall cooperate with the

1 commissioner in a proceeding under this chapter or an investigation  
2 preliminary to the proceeding. The term "person" as used in this  
3 section includes a person who exercises control directly or indirectly  
4 over activities of the insurer through a holding company or other  
5 affiliate of the insurer. "To cooperate" as used in this section  
6 includes the following:

7 (a) To reply promptly in writing to an inquiry from the  
8 commissioner requesting such a reply; and

9 (b) To make available to the commissioner books, accounts,  
10 documents, or other records or information or property of or pertaining  
11 to the insurer and in his or her possession, custody, or control.

12 (2) A person may not obstruct or interfere with the commissioner in  
13 the conduct of a delinquency proceeding or an investigation preliminary  
14 or incidental thereto.

15 (3) This section does not abridge existing legal rights, including  
16 the right to resist a petition for liquidation or other delinquency  
17 proceedings, or other orders.

18 (4) A person included within subsection (1) of this section who  
19 fails to cooperate with the commissioner, or a person who obstructs or  
20 interferes with the commissioner in the conduct of a delinquency  
21 proceeding or an investigation preliminary or incidental thereto, or  
22 who violates an order the commissioner issued validly under this  
23 chapter may:

24 (a) Be guilty of a gross misdemeanor and sentenced to pay a fine  
25 not exceeding ten thousand dollars or to undergo imprisonment for a  
26 term of not more than (~~one year~~) three hundred sixty-four days, or  
27 both; or

28 (b) After a hearing, be subject to the imposition by the  
29 commissioner of a civil penalty not to exceed ten thousand dollars and  
30 be subject further to the revocation or suspension of insurance  
31 licenses issued by the commissioner.

32 **Sec. 39.** RCW 48.36A.360 and 1987 c 366 s 36 are each amended to  
33 read as follows:

34 (1) Any person who wilfully makes a false or fraudulent statement  
35 in or relating to an application for membership or for the purpose of  
36 obtaining money from or a benefit in any society, shall upon conviction



1 be fined not less than one hundred dollars nor more than five hundred  
2 dollars or imprisonment in the county jail not less than thirty days  
3 nor more than (~~one year~~) three hundred sixty-four days, or both.

4 (2) Any person who wilfully makes a false or fraudulent statement  
5 in any verified report or declaration under oath required or authorized  
6 by this chapter, or of any material fact or thing contained in a sworn  
7 statement concerning the death or disability of an insured for the  
8 purpose of procuring payment of a benefit named in the certificate,  
9 shall be guilty of false swearing and shall be subject to the penalties  
10 under RCW 9A.72.040.

11 (3) Any person who solicits membership for, or in any manner  
12 assists in procuring membership in, any society not licensed to do  
13 business in this state shall be guilty of a misdemeanor and upon  
14 conviction be fined not less than fifty dollars nor more than two  
15 hundred dollars.

16 (4) Any person guilty of a wilful violation of, or neglect or  
17 refusal to comply with, the provisions of this chapter for which a  
18 penalty is not otherwise prescribed, shall upon conviction, be subject  
19 to a fine not exceeding two hundred dollars.

20 **Sec. 40.** RCW 49.17.190 and 2010 c 8 s 12016 are each amended to  
21 read as follows:

22 (1) Any person who gives advance notice of any inspection to be  
23 conducted under the authority of this chapter, without the consent of  
24 the director or his or her authorized representative, shall, upon  
25 conviction be guilty of a gross misdemeanor and be punished by a fine  
26 of not more than one thousand dollars or by imprisonment for not more  
27 than six months, or by both.

28 (2) Whoever knowingly makes any false statement, representation, or  
29 certification in any application, record, report, plan, or other  
30 document filed or required to be maintained pursuant to this chapter  
31 shall, upon conviction be guilty of a gross misdemeanor and be punished  
32 by a fine of not more than ten thousand dollars, or by imprisonment for  
33 not more than six months or by both.

34 (3) Any employer who wilfully and knowingly violates the  
35 requirements of RCW 49.17.060, any safety or health standard  
36 promulgated under this chapter, any existing rule or regulation  
37 governing the safety or health conditions of employment and adopted by

1 the director, or any order issued granting a variance under RCW  
2 49.17.080 or 49.17.090 and that violation caused death to any employee  
3 shall, upon conviction be guilty of a gross misdemeanor and be punished  
4 by a fine of not more than one hundred thousand dollars or by  
5 imprisonment for not more than six months or by both; except, that if  
6 the conviction is for a violation committed after a first conviction of  
7 such person, punishment shall be a fine of not more than two hundred  
8 thousand dollars or by imprisonment for not more than (~~one year~~)  
9 three hundred sixty-four days, or by both.

10 (4) Any employer who has been issued an order immediately  
11 restraining a condition, practice, method, process, or means in the  
12 work place, pursuant to RCW 49.17.130 or 49.17.170, and who  
13 nevertheless continues such condition, practice, method, process, or  
14 means, or who continues to use a machine or equipment or part thereof  
15 to which a notice prohibiting such use has been attached, shall be  
16 guilty of a gross misdemeanor, and upon conviction shall be punished by  
17 a fine of not more than ten thousand dollars or by imprisonment for not  
18 more than six months, or by both.

19 (5) Any employer who shall knowingly remove, displace, damage, or  
20 destroy, or cause to be removed, displaced, damaged, or destroyed any  
21 safety device or safeguard required to be present and maintained by any  
22 safety or health standard, rule, or order promulgated pursuant to this  
23 chapter, or pursuant to the authority vested in the director under RCW  
24 43.22.050 shall, upon conviction, be guilty of a misdemeanor and be  
25 punished by a fine of not more than one thousand dollars or by  
26 imprisonment for not more than ninety days, or by both.

27 (6) Whenever the director has reasonable cause to believe that any  
28 provision of this section defining a crime has been violated by an  
29 employer, the director shall cause a record of such alleged violation  
30 to be prepared, a copy of which shall be referred to the prosecuting  
31 attorney of the county wherein such alleged violation occurred, and the  
32 prosecuting attorney of such county shall in writing advise the  
33 director of the disposition he or she shall make of the alleged  
34 violation.

35 **Sec. 41.** RCW 49.24.060 and 1937 c 131 s 7 are each amended to read  
36 as follows:

37 Violation of or noncompliance with any provision of this article by

1 any employer, manager, superintendent, foreman or other person having  
2 direction or control of such work shall be a gross misdemeanor  
3 punishable by a fine of not less than two hundred and fifty dollars or  
4 by imprisonment for (~~not more than one year~~) up to three hundred  
5 sixty-four days or by both such fine and imprisonment.

6 **Sec. 42.** RCW 49.44.010 and 1899 c 23 s 1 are each amended to read  
7 as follows:

8 Every person in this state who shall wilfully and maliciously, send  
9 or deliver, or make or cause to be made, for the purpose of being  
10 delivered or sent or part with the possession of any paper, letter or  
11 writing, with or without name signed thereto, or signed with a  
12 fictitious name, or with any letter, mark or other designation, or  
13 publish or cause to be published any statement for the purpose of  
14 preventing any other person from obtaining employment in this state or  
15 elsewhere, and every person who shall wilfully and maliciously  
16 "blacklist" or cause to be "blacklisted" any person or persons, by  
17 writing, printing or publishing, or causing the same to be done, the  
18 name, or mark, or designation representing the name of any person in  
19 any paper, pamphlet, circular or book, together with any statement  
20 concerning persons so named, or publish or cause to be published that  
21 any person is a member of any secret organization, for the purpose of  
22 preventing such person from securing employment, or who shall wilfully  
23 and maliciously make or issue any statement or paper that will tend to  
24 influence or prejudice the mind of any employer against the person of  
25 such person seeking employment, or any person who shall do any of the  
26 things mentioned in this section for the purpose of causing the  
27 discharge of any person employed by any railroad or other company,  
28 corporation, individual or individuals, shall, on conviction thereof,  
29 be adjudged guilty of misdemeanor and punished by a fine of not less  
30 than one hundred dollars nor more than one thousand dollars, or by  
31 imprisonment in the county jail for not less than ninety days nor more  
32 than (~~one year~~) three hundred sixty-four days, or by both such fine  
33 and imprisonment.

34 **Sec. 43.** RCW 50.36.010 and 2003 c 53 s 279 are each amended to  
35 read as follows:

1 (1) It shall be unlawful for any person to knowingly give any false  
2 information or withhold any material information required under the  
3 provisions of this title.

4 (2) Any person who violates any of the provisions of this title  
5 which violation is declared to be unlawful, and for which no contrary  
6 provision is made, is guilty of a misdemeanor and shall be punished by  
7 a fine of not less than twenty dollars nor more than two hundred and  
8 fifty dollars or by imprisonment in the county jail for not more than  
9 ninety days.

10 (3) Any person who in connection with any compromise or offer of  
11 compromise willfully conceals from any officer or employee of the state  
12 any property belonging to an employing unit which is liable for  
13 contributions, interest, or penalties, or receives, destroys,  
14 mutilates, or falsifies any book, document, or record, or makes under  
15 oath any false statement relating to the financial condition of the  
16 employing unit which is liable for contributions, is guilty of a gross  
17 misdemeanor and shall upon conviction thereof be fined not more than  
18 five thousand dollars or be imprisoned for (~~not more than one year~~)  
19 up to three hundred sixty-four days, or both.

20 (4) The penalty prescribed in this section shall not be deemed  
21 exclusive, but any act which shall constitute a crime under any law of  
22 this state may be the basis of prosecution under such law  
23 notwithstanding that it may also be the basis for prosecution under  
24 this section.

25 **Sec. 44.** RCW 50.36.020 and 2003 c 53 s 280 are each amended to  
26 read as follows:

27 (1) Any person required under this title to collect, account for  
28 and pay over any contributions imposed by this title, who willfully  
29 fails to collect or truthfully account for and pay over such  
30 contributions, and any person who willfully attempts in any manner to  
31 evade or defeat any contributions imposed by this title or the payment  
32 thereof, is guilty of a gross misdemeanor and shall, in addition to  
33 other penalties provided by law, upon conviction thereof, be fined not  
34 more than five thousand dollars, or imprisoned for (~~not more than one  
35 year~~) up to three hundred sixty-four days, or both, together with the  
36 costs of prosecution.

1           (2) The term "person" as used in this section includes an officer  
2 or individual in the employment of a corporation, or a member or  
3 individual in the employment of a partnership, who as such officer,  
4 individual or member is under a duty to perform the act in respect of  
5 which the violation occurs. A corporation may likewise be prosecuted  
6 under this section and may be subjected to fine and payment of costs of  
7 prosecution as prescribed herein for a person.

8           **Sec. 45.** RCW 63.29.340 and 1996 c 149 s 11 and 1996 c 45 s 4 are  
9 each reenacted and amended to read as follows:

10           (1) A person who fails to pay or deliver property within the time  
11 prescribed by this chapter shall be required to pay to the department  
12 interest at the rate as computed under RCW 82.32.050(2) from the date  
13 the property should have been paid or delivered until the property is  
14 paid or delivered, unless the department finds that the failure to pay  
15 or deliver the property within the time prescribed by this chapter was  
16 the result of circumstances beyond the person's control sufficient for  
17 waiver or cancellation of interest under RCW 82.32.105.

18           (2) A person who willfully fails to render any report, to pay or  
19 deliver property, or to perform other duties required under this  
20 chapter shall pay a civil penalty of one hundred dollars for each day  
21 the report is withheld or the duty is not performed, but not more than  
22 five thousand dollars, plus one hundred percent of the value of the  
23 property which should have been reported, paid or delivered.

24           (3) A person who willfully refuses after written demand by the  
25 department to pay or deliver property to the department as required  
26 under this chapter or who enters into a contract to avoid the duties of  
27 this chapter is guilty of a gross misdemeanor and upon conviction may  
28 be punished by a fine of not more than one thousand dollars or  
29 imprisonment for (~~not more than one year~~) up to three hundred sixty-  
30 four days, or both.

31           **Sec. 46.** RCW 66.44.120 and 2005 c 151 s 11 are each amended to  
32 read as follows:

33           (1) No person other than an employee of the board shall keep or  
34 have in his or her possession any official seal prescribed under this  
35 title, unless the same is attached to a package which has been  
36 purchased from a liquor store or contract liquor store; nor shall any

1 person keep or have in his or her possession any design in imitation of  
2 any official seal prescribed under this title, or calculated to deceive  
3 by its resemblance thereto, or any paper upon which any design in  
4 imitation thereof, or calculated to deceive as aforesaid, is stamped,  
5 engraved, lithographed, printed, or otherwise marked.

6 (2)(a) Except as provided in (b) of this subsection, every person  
7 who willfully violates this section is guilty of a gross misdemeanor  
8 and shall be liable on conviction thereof for a first offense to  
9 imprisonment in the county jail for a period of not less than three  
10 months nor more than six months, without the option of the payment of  
11 a fine, and for a second offense, to imprisonment in the county jail  
12 for not less than six months nor more than (~~one year~~) three hundred  
13 sixty-four days, without the option of the payment of a fine.

14 (b) A third or subsequent offense is a class C felony, punishable  
15 by imprisonment in a state correctional facility for not less than one  
16 year nor more than two years.

17 **Sec. 47.** RCW 66.44.180 and 2003 c 53 s 300 are each amended to  
18 read as follows:

19 (1) Every person guilty of a violation of this title for which no  
20 penalty has been specifically provided:

21 (a) For a first offense, is guilty of a misdemeanor punishable by  
22 a fine of not more than five hundred dollars, or by imprisonment for  
23 not more than two months, or both;

24 (b) For a second offense, is guilty of a gross misdemeanor  
25 punishable by imprisonment for not more than six months; and

26 (c) For a third or subsequent offense, is guilty of a gross  
27 misdemeanor punishable by imprisonment for (~~not more than one year~~)  
28 up to three hundred sixty-four days.

29 (2) If the offender convicted of an offense referred to in this  
30 section is a corporation, it shall for a first offense be liable to a  
31 penalty of not more than five thousand dollars, and for a second or  
32 subsequent offense to a penalty of not more than ten thousand dollars,  
33 or to forfeiture of its corporate license, or both.

34 (3) Every district judge and municipal judge shall have concurrent  
35 jurisdiction with superior court judges of the state of Washington of  
36 all violations of the provisions of this title and may impose any  
37 punishment provided therefor.

1       **Sec. 48.** RCW 68.50.050 and 1917 c 90 s 7 are each amended to read  
2 as follows:

3       Any person, not authorized by the coroner or his or her deputies,  
4 who removes the body of a deceased person not claimed by a relative or  
5 friend, or who came to their death by reason of violence or from  
6 unnatural causes or where there shall exist reasonable grounds for the  
7 belief that such death has been caused by unlawful means at the hands  
8 of another, to any undertaking rooms or elsewhere, or any person who  
9 directs, aids or abets such taking, and any person who in any way  
10 conceals the body of a deceased person for the purpose of taking the  
11 same to any undertaking rooms or elsewhere, shall in each of said cases  
12 be guilty of a gross misdemeanor and upon conviction thereof shall be  
13 punished by fine of not more than one thousand dollars, or by  
14 imprisonment in the county jail for (~~not more than one year~~) up to  
15 three hundred sixty-four days or by both fine and imprisonment in the  
16 discretion of the court.

17       **Sec. 49.** RCW 70.94.430 and 2003 c 53 s 355 are each amended to  
18 read as follows:

19       (1) Any person who knowingly violates any of the provisions of  
20 chapter 70.94 or 70.120 RCW, or any ordinance, resolution, or  
21 regulation in force pursuant thereto is guilty of a gross misdemeanor  
22 and upon conviction thereof shall be punished by a fine of not more  
23 than ten thousand dollars, or by imprisonment in the county jail for  
24 (~~not more than one year~~) up to three hundred sixty-four days, or by  
25 both for each separate violation.

26       (2) Any person who negligently releases into the ambient air any  
27 substance listed by the department of ecology as a hazardous air  
28 pollutant, other than in compliance with the terms of an applicable  
29 permit or emission limit, and who at the time negligently places  
30 another person in imminent danger of death or substantial bodily harm  
31 is guilty of a gross misdemeanor and shall, upon conviction, be  
32 punished by a fine of not more than ten thousand dollars, or by  
33 imprisonment for (~~not more than one year~~) up to three hundred sixty-  
34 four days, or both.

35       (3) Any person who knowingly releases into the ambient air any  
36 substance listed by the department of ecology as a hazardous air  
37 pollutant, other than in compliance with the terms of an applicable

1 permit or emission limit, and who knows at the time that he or she  
2 thereby places another person in imminent danger of death or  
3 substantial bodily harm, is guilty of a class C felony and shall, upon  
4 conviction, be punished by a fine of not less than fifty thousand  
5 dollars, or by imprisonment for not more than five years, or both.

6 (4) Any person who knowingly fails to disclose a potential conflict  
7 of interest under RCW 70.94.100 is guilty of a gross misdemeanor, and  
8 upon conviction thereof shall be punished by a fine of not more than  
9 five thousand dollars.

10 **Sec. 50.** RCW 70.95J.060 and 1992 c 174 s 8 are each amended to  
11 read as follows:

12 A person who willfully violates, without sufficient cause, any of  
13 the provisions of this chapter, or a permit or order issued pursuant to  
14 this chapter, is guilty of a gross misdemeanor. Willful violation of  
15 this chapter, or a permit or order issued pursuant to this chapter is  
16 a gross misdemeanor punishable by a fine of up to ten thousand dollars  
17 and costs of prosecution, or by imprisonment for (~~up to one year~~) up  
18 to three hundred sixty-four days, or by both. Each day of violation  
19 may be deemed a separate violation.

20 **Sec. 51.** RCW 70.105.090 and 1984 c 237 s 1 are each amended to  
21 read as follows:

22 In addition to the penalties imposed pursuant to RCW 70.105.080,  
23 any person who violates any provisions of this chapter, or of the rules  
24 implementing this chapter, and any person who knowingly aids or abets  
25 another in conducting any violation of any provisions of this chapter,  
26 or of the rules implementing this chapter, shall be guilty of a gross  
27 misdemeanor and upon conviction thereof shall be punished by a fine of  
28 not less than one hundred dollars nor more than ten thousand dollars,  
29 and/or by imprisonment in the county jail for (~~not more than one~~  
30 ~~year~~) up to three hundred sixty-four days, for each separate  
31 violation. Each and every such violation shall be a separate and  
32 distinct offense. In case of continuing violation, every day's  
33 continuance shall be a separate and distinct offense.

34 **Sec. 52.** RCW 70.138.070 and 1987 c 528 s 7 are each amended to  
35 read as follows:



1           Any person found guilty of wilfully violating, without sufficient  
2 cause, any of the provisions of this chapter, or permit or order issued  
3 pursuant to this chapter is guilty of a gross misdemeanor and upon  
4 conviction shall be punished by a fine of up to ten thousand dollars  
5 and costs of prosecution, or by imprisonment for (~~up to one year~~) up  
6 to three hundred sixty-four days, or by both. Each day of violation  
7 may be deemed a separate violation.

8           **Sec. 53.** RCW 74.08.331 and 2003 c 53 s 368 are each amended to  
9 read as follows:

10           (1) Any person who by means of a willfully false statement, or  
11 representation, or impersonation, or a willful failure to reveal any  
12 material fact, condition, or circumstance affecting eligibility or need  
13 for assistance, including medical care, surplus commodities, and food  
14 stamps or food stamp benefits transferred electronically, as required  
15 by law, or a willful failure to promptly notify the county office in  
16 writing as required by law or any change in status in respect to  
17 resources, or income, or need, or family composition, money  
18 contribution and other support, from whatever source derived, including  
19 unemployment insurance, or any other change in circumstances affecting  
20 the person's eligibility or need for assistance, or other fraudulent  
21 device, obtains, or attempts to obtain, or aids or abets any person to  
22 obtain any public assistance to which the person is not entitled or  
23 greater public assistance than that to which he or she is justly  
24 entitled is guilty of theft in the first degree under RCW 9A.56.030 and  
25 upon conviction thereof shall be punished by imprisonment in a state  
26 correctional facility for not more than fifteen years.

27           (2) Any person who by means of a willfully false statement or  
28 representation or by impersonation or other fraudulent device aids or  
29 abets in buying, selling, or in any other way disposing of the real  
30 property of a recipient of public assistance without the consent of the  
31 secretary is guilty of a gross misdemeanor and upon conviction thereof  
32 shall be punished by imprisonment for (~~not more than one year~~) up to  
33 three hundred sixty-four days in the county jail or a fine of not to  
34 exceed one thousand dollars or by both.

35           **Sec. 54.** RCW 74.09.270 and 1979 ex.s. c 152 s 8 are each amended  
36 to read as follows:

1 (1) Any person having any patient trust funds in his or her  
2 possession, custody, or control, who, knowing that he or she is  
3 violating any statute, regulation, or agreement, deliberately fails to  
4 deposit, transfer, or maintain said funds in a separate, designated,  
5 trust bank account as required by such statute, regulation, or  
6 agreement shall be guilty of a gross misdemeanor and shall be punished  
7 by imprisonment for (~~not more than one year~~) up to three hundred  
8 sixty-four days in the county jail, or by a fine of not more than ten  
9 thousand dollars or as authorized by RCW 9A.20.030, or by both such  
10 fine and imprisonment.

11 (2) "Patient trust funds" are funds received by any health care  
12 facility which belong to patients and are required by any state or  
13 federal statute, regulation, or by agreement to be kept in a separate  
14 trust bank account for the benefit of such patients.

15 (3) This section shall not be construed to prevent a prosecution  
16 for theft.

17 **Sec. 55.** RCW 76.09.190 and 1974 ex.s. c 137 s 19 are each amended  
18 to read as follows:

19 In addition to the penalties imposed pursuant to RCW 76.09.170, any  
20 person who conducts any forest practice or knowingly aids or abets  
21 another in conducting any forest practice in violation of any  
22 provisions of RCW 76.09.010 through 76.09.280 or 90.48.420, or of the  
23 regulations implementing RCW 76.09.010 through 76.09.280 or 90.48.420,  
24 shall be guilty of a gross misdemeanor and upon conviction thereof  
25 shall be punished by a fine of not less than one hundred dollars nor  
26 more than one thousand dollars, or by imprisonment for (~~a term of not~~  
27 ~~more than one year~~) up to three hundred sixty-four days or by both  
28 fine and imprisonment for each separate violation. Each day upon which  
29 such violation occurs shall constitute a separate violation.

30 **Sec. 56.** RCW 76.48.151 and 2009 c 245 s 16 are each amended to  
31 read as follows:

32 (1) Except as provided in RCW 76.48.141, a person who violates a  
33 provision of this chapter is guilty of a gross misdemeanor punishable  
34 by a fine of not more than one thousand dollars, imprisonment in the  
35 county jail for (~~a term not to exceed one year~~) up to three hundred  
36 sixty-four days, or by both a fine and imprisonment.

1 (2) In any prosecution for a violation of this chapter's  
2 requirements to obtain or possess a specialized forest products permit,  
3 true copy, bill of lading, authorization, or sales invoice, it is an  
4 affirmative defense, if established by the defendant by a preponderance  
5 of the evidence, that:

6 (a) The specialized forest products were harvested from the  
7 defendant's own land; or

8 (b) The specialized forest products were harvested with the  
9 permission of the landowner.

10 **Sec. 57.** RCW 82.36.400 and 2003 c 53 s 402 are each amended to  
11 read as follows:

12 (1) It shall be unlawful for any person to commit any of the  
13 following acts:

14 (a) To display, or cause to permit to be displayed, or to have in  
15 possession, any motor vehicle fuel license knowing the same to be  
16 fictitious or to have been suspended, canceled, revoked or altered;

17 (b) To lend to, or knowingly permit the use of, by one not entitled  
18 thereto, any motor vehicle fuel license issued to the person lending it  
19 or permitting it to be used;

20 (c) To display or to represent as one's own any motor vehicle fuel  
21 license not issued to the person displaying the same;

22 (d) To use a false or fictitious name or give a false or fictitious  
23 address in any application or form required under the provisions of  
24 this chapter, or otherwise commit a fraud in any application, record,  
25 or report;

26 (e) To refuse to permit the director, or any agent appointed by him  
27 or her in writing, to examine his or her books, records, papers,  
28 storage tanks, or other equipment pertaining to the use or sale and  
29 delivery of motor vehicle fuels within the state.

30 (2) Except as otherwise provided, any person violating any of the  
31 provisions of this chapter is guilty of a gross misdemeanor and shall,  
32 upon conviction thereof, be sentenced to pay a fine of not less than  
33 five hundred dollars nor more than one thousand dollars and costs of  
34 prosecution, or imprisonment for (~~not more than one year~~) up to three  
35 hundred sixty-four days, or both.

1           **Sec. 58.** RCW 88.08.050 and 2003 c 53 s 416 are each amended to  
2 read as follows:

3           Every person who shall willfully break, injure, deface, or destroy  
4 any lighthouse station, post, platform, step, lamp, or other structure  
5 pertaining to such lighthouse station, or shall extinguish or tamper  
6 with any light erected by the United States upon or along the navigable  
7 waters of this state to aid in the navigation thereof, in case no  
8 punishment is provided therefor by the laws of the United States, shall  
9 be punished:

10           (1) As a class B felony punishable by imprisonment in a state  
11 correctional facility for not more than ten years whenever such act may  
12 endanger the safety of any vessel navigating such waters, or jeopardize  
13 the safety of any person or property in or upon such vessel.

14           (2) In all other cases by imprisonment in the county jail for (~~not~~  
15 ~~more than one year~~) up to three hundred sixty-four days, or by a fine  
16 of not more than one thousand dollars, or by both.

17           **Sec. 59.** RCW 88.46.080 and 2003 c 53 s 417 are each amended to  
18 read as follows:

19           (1) Except as provided in subsection (3) of this section, it shall  
20 be unlawful for the owner or operator to knowingly and intentionally  
21 operate in this state or on the waters of this state a covered vessel  
22 without an approved contingency plan or an approved prevention plan as  
23 required by this chapter, or financial responsibility in compliance  
24 with chapter 88.40 RCW and the federal oil pollution act of 1990.

25           (2)(a) The first conviction under this section is a gross  
26 misdemeanor under chapter 9A.20 RCW.

27           (b) A second or subsequent conviction is a class C felony under  
28 chapter 9A.20 RCW.

29           (3) It shall not be unlawful for the owner or operator to operate  
30 a covered vessel if:

31           (a) The covered vessel is not required to have a contingency plan,  
32 spill prevention plan, or financial responsibility;

33           (b) All required plans have been submitted to the department as  
34 required by this chapter and rules adopted by the department and the  
35 department is reviewing the plan and has not denied approval; or

36           (c) The covered vessel has entered state waters after the United  
37 States coast guard has determined that the vessel is in distress.

1 (4) A person may rely on a copy of the statement issued by the  
2 department pursuant to RCW 88.46.060 as evidence that a vessel has an  
3 approved contingency plan and the statement issued pursuant to RCW  
4 88.46.040 that a vessel has an approved prevention plan.

5 (5) Any person found guilty of willfully violating any of the  
6 provisions of this chapter, or any final written orders or directive of  
7 the director or a court in pursuance thereof is guilty of a gross  
8 misdemeanor, as provided in chapter 9A.20 RCW, and upon conviction  
9 thereof shall be punished by a fine of up to ten thousand dollars and  
10 costs of prosecution, or by imprisonment in the county jail for (~~not~~  
11 ~~more than one year~~) up to three hundred sixty-four days, or by both  
12 such fine and imprisonment in the discretion of the court. Each day  
13 upon which a willful violation of the provisions of this chapter occurs  
14 may be deemed a separate and additional violation.

15 **Sec. 60.** RCW 90.46.260 and 2009 c 456 s 13 are each amended to  
16 read as follows:

17 Any person found guilty of willfully violating any of the  
18 provisions of this chapter, or any final written orders or directive of  
19 the lead agency or a court in pursuance thereof, is guilty of a gross  
20 misdemeanor, and upon conviction thereof shall be punished by a fine of  
21 up to ten thousand dollars and costs of prosecution, or by imprisonment  
22 in the county jail for (~~not more than one year~~) up to three hundred  
23 sixty-four days, or both, in the discretion of the court. Each day  
24 upon which a willful violation of the provisions of this chapter occurs  
25 may be deemed a separate and additional violation.

26 **Sec. 61.** RCW 90.48.140 and 2003 c 53 s 419 are each amended to  
27 read as follows:

28 Any person found guilty of willfully violating any of the  
29 provisions of this chapter or chapter 90.56 RCW, or any final written  
30 orders or directive of the department or a court in pursuance thereof  
31 is guilty of a gross misdemeanor, and upon conviction thereof shall be  
32 punished by a fine of up to ten thousand dollars and costs of  
33 prosecution, or by imprisonment in the county jail for (~~not more than~~  
34 ~~one year~~) up to three hundred sixty-four days, or by both such fine  
35 and imprisonment in the discretion of the court. Each day upon which

1 a willful violation of the provisions of this chapter or chapter 90.56  
2 RCW occurs may be deemed a separate and additional violation.

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