

quest, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, and shall be entitled to charge for searching of records when no certified copy is made the same fee as hereinabove provided. All such fees collected shall be paid to the jurisdictional health department: PROVIDED, That health officers of cities of the first class may issue certified copies only if they have an original certificate in their possession at the time of issuance of a certified copy or a copy of the original certificate transmitted to the state registrar which was produced by a photographic or other exact reproduction method. Health officers of counties or districts normally served by full time health officers may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, during the period that the original certificates are in their possession prior to transmittal of the original certificates to the state registrar. All such fees collected shall be paid to the jurisdictional health department. Certified copy forms used by health officers furnishing certified copies while the original records are temporarily in their possession shall be supplied or approved by the state registrar and no other forms shall be used.

Passed the Senate February 2, 1970
Passed the House February 5, 1970
Approved by the Governor February 20, 1970
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CHAPTER 26
[Senate Bill No. 275]
UNFAIR BUSINESS PRACTICES
AND
CONSUMER PROTECTION

AN ACT Relating to unfair business practices and consumer protection; amending section 8, chapter 216, Laws of 1961 and RCW 19.86-.080; amending section 9, chapter 216, Laws of 1961 and RCW 19.86.090; amending section 10, chapter 216, Laws of 1961 and RCW 19.86.100; amending section 11, chapter 216, Laws of 1961 and RCW 19.86.110; amending section 12, chapter 216, Laws of

1961 and RCW 19.86.120; amending section 13, chapter 216, Laws of 1961 and RCW 19.86.130; and amending section 14, chapter 216, Laws of 1961 and RCW 19.86.140 ; and providing penalties. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 8, chapter 216, Laws of 1961 and RCW 19.86.080 are each amended to read as follows:

The attorney general may bring an action in the name of the state against any person to restrain and prevent the doing of any act herein prohibited or declared to be unlawful; and the prevailing party may, in the discretion of the court, recover the costs of said action including a reasonable attorney's fee.

The court may make such additional orders or judgments as may be necessary to restore to any person in interest any moneys or property, real or personal, which may have been acquired by means of any act herein prohibited or declared to be unlawful.

Sec. 2. Section 9, chapter 216, Laws of 1961 and RCW 19.86-.090 are each amended to read as follows:

Any person who is injured in his business or property by a violation of RCW 19.86.020, 19.86.030, 19.86.040, 19.86.050, or 19.86-.060, or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of RCW 19.86.030, 19.86.040, 19.86.050, or 19.86.060, may bring a civil action in the superior court to enjoin further violations, to recover the actual damages sustained by him, or both, together with the costs of the suit, including a reasonable attorney's fee, and the court may in its discretion, increase the award of damages to an amount not to exceed three times the actual damages sustained; PROVIDED, That such increased damage award for violation of RCW 19-.86.020 may not exceed one thousand dollars. For the purpose of this section "person" shall include the counties, municipalities, and all political subdivisions of this state.

Whenever the state of Washington is injured by reason of a violation of RCW 19.86.030, 19.86.040, 19.86.050, or 19.86.060, it

may sue therefor in the superior court to recover the actual damages sustained by it and to recover the costs of the suit including a reasonable attorney's fee.

Sec. 3. Section 10, page *[chapter] 216, Laws of 1961 and RCW 19.86.100 are each amended to read as follows:

In the enforcement of this chapter, the attorney general may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter, from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of the county in which the alleged violator resides or has his principal place of business, or in Thurston county.

Such assurance of discontinuance shall not be considered an admission of a violation for any purpose; however, proof of failure to comply with the assurance of discontinuance shall be prima facie evidence of a violation of this chapter.

Sec. 4. Section 11, chapter 216, Laws of 1961 and RCW 19.86-.110 are each amended to read as follows:

(1) Whenever the attorney general believes that any person may be in possession, custody, or control of any original or copy of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other tangible document or recording, wherever situate, which he believes to be relevant to the subject matter of an investigation of a possible violation of RCW 19.86.020, 19.86.030, 19.86.040, 19.86.050, or 19.86.060, he may, prior to the institution of a civil proceeding thereon, execute in writing and cause to be served upon such a person, a civil investigative demand requiring such person to produce such documentary material and permit inspection and copying: PROVIDED, That this section shall not be applicable to criminal prosecutions.

(2) Each such demand shall:

(a) State the statute and section or sections thereof, the alleged violation of which is under investigation, and the general

subject matter of the investigation;

(b) Describe the class or classes of documentary material to be produced thereunder with reasonable specificity so as fairly to indicate the material demanded;

(c) Prescribe a return date within which the documentary material is to be produced; and

(d) Identify the members of the attorney general's staff to whom such documentary material is to be made available for inspection and copying.

(3) No such demand shall:

(a) Contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of this state; or

(b) Require the disclosure of any documentary material which would be privileged, or which for any other reason would not be required by a subpoena duces tecum issued by a court of this state.

(4) Service of any such demand may be made by:

(a) Delivering a duly executed copy thereof to the person to be served, or, if such person is not a natural person, to any officer of the person to be served; or

(b) Delivering a duly executed copy thereof to the principal place of business in this state of the person to be served; or

(c) Mailing by registered or certified mail a duly executed copy thereof addressed to the person to be served at the principal place of business in this state, or, if said person has no place of business in this state, to his principal office or place of business.

(5) Documentary material demanded pursuant to the provisions of this section shall be produced for inspection and copying during normal business hours at the principal office or place of business of the person served, or at such other times and places as may be agreed upon by the person served and the attorney general.

(6) No documentary material produced pursuant to a demand, or copies thereof, shall, unless otherwise ordered by a superior

court for good cause shown, be produced for inspection or copying by, nor shall the contents thereof be disclosed to, other than an authorized employee of the attorney general, without the consent of the person who produced such material: PROVIDED, That, under such reasonable terms and conditions as the attorney general shall prescribe, the copies of such documentary material shall be available for inspection and copying by the person who produced such material or any duly authorized representative of such person. The attorney general or any assistant attorney general may use such copies of documentary material as he determines necessary in the enforcement of this chapter, including presentation before any court: PROVIDED, That any such material which contains trade secrets shall not be presented except with the approval of the court in which action is pending after adequate notice to the person furnishing such material.

(7) At any time before the return date specified in the demand, or within twenty days after the demand has been served, whichever period is shorter, a petition to extend the return date for, or to modify or set aside a demand issued pursuant to subsection (1), stating good cause, may be filed in the superior court for Thurston county, or in such other county where the parties reside. A petition, by the person on whom the demand is served, stating good cause, to require the attorney general or any person to perform any duty imposed by the provisions of this section, and all other petitions in connection with a demand, may be filed in the superior court for Thurston county, or in the county where the parties reside.

(8) ~~((A person upon whom a demand is served pursuant to the provisions of this section shall comply with the terms thereof unless otherwise provided by order of court issued under subsection (7) hereof. Any person who, with intent to avoid, evade, or prevent compliance, in whole or in part, with any civil investigative demand under this section, removes from any place, conceals, withholds, or destroys, mutilates, alters, or by any other means falsifies any documentary material in the possession, custody, or control of any~~

~~person which is the subject of any demand duly served upon any person shall be guilty of an offense against the state, and shall be subject, upon conviction, to a fine not to exceed five thousand dollars or to imprisonment for a term of not more than one year, or both.)~~ Whenever any person fails to comply with any civil investigative demand for documentary material duly served upon him under this section, or whenever satisfactory copying or reproduction of any such material cannot be done and such person refuses to surrender such material, the attorney general may file, in the trial court of general jurisdiction of the county in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of this section, except that if such person transacts business in more than one county such petition shall be filed in the county in which such person maintains his principal place of business, or in such other county as may be agreed upon by the parties to such petition. Whenever any petition is filed in the trial court of general jurisdiction of any county under this section, such court shall have jurisdiction to hear and determine the matter so presented and to enter such order or orders as may be required to carry into effect the provisions of this section. Disobedience of any order entered under this section by any court shall be punished as a contempt thereof.

Sec. 5. Section 12, chapter 216, Laws of 1961 and RCW 19.86-.120 are each amended to read as follows:

Any action to enforce a claim for damages under RCW 19.86.090 shall be forever barred unless commenced within four years after the cause of action accrues: PROVIDED, That whenever any action is brought by the attorney general for a violation of RCW 19.86.020, 19.86.030, 19.86.040, 19.86.050, or 19.86.060, except actions for the recovery of a civil penalty for violation of an injunction or actions under RCW 19.86.090, the running of the foregoing statute of limitations, with respect to every private right of action for damages under RCW 19.86.090 which is based in whole or part on any

matter complained of in said action by the attorney general, shall be suspended during the pendency thereof.

Sec. 6. Section 13, chapter 216, Laws of 1961 and RCW 19.86-.130 are each amended to read as follows:

A final judgment or decree rendered in any action brought under RCW 19.86.080 by the state of Washington to the effect that a defendant has violated RCW 19.86.020, 19.86.030, 19.86.040, 19.86-.050, or 19.86.060 shall be prima facie evidence against such defendant in any action brought by any party against such defendant under RCW 19.86.090 as to all matters which said judgment or decree would be an estoppel as between the parties thereto: PROVIDED, That this section shall not apply to consent judgments or decrees where the court makes no finding of illegality.

Sec. 7. Section 14, chapter 216, Laws of 1961 and RCW 19.86-.140 are each amended to read as follows:

Every person who shall violate RCW 19.86.030 or 19.86.040 or the terms of any injunction issued as in this chapter provided, shall forfeit and pay a civil penalty of not more than twenty-five thousand dollars.

Every person who violates RCW 19.86.020 shall forfeit and pay a civil penalty of not more than two thousand dollars for each violation: PROVIDED, That nothing in this paragraph shall apply to any radio or television broadcasting station which broadcasts, or to any publisher, printer or distributor of any newspaper, magazine, billboard or other advertising medium who publishes, prints or distributes, advertising in good faith without knowledge of its false, deceptive or misleading character.

For the purpose of this section the superior court issuing any injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties.

With respect to violations of RCW 19.86.030 and 19.86.040, the

attorney general, acting in the name of the state, may seek recovery of such penalties in a civil action.

Passed the Senate February 5, 1970
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CHAPTER 27
 [Engrossed Senate Bill No. 277]
 MOBILE HOMES, COMMERCIAL COACHES
 AND/OR
 RECREATIONAL VEHICLES

AN ACT Relating to mobile homes, commercial coaches and/or recreational vehicles; amending section 1, chapter 157, Laws of 1967 as amended by section 1, chapter 229, Laws of 1969 ex. sess. and RCW 43.22.340; amending section 2, chapter 157, Laws of 1967 and RCW 43.22.350; amending section 3, chapter 157, Laws of 1967 and RCW 43.22.360; amending section 4, chapter 157, Laws of 1967 as amended by section 2, chapter 229, Laws of 1969 ex. sess. and RCW 43.22.370; amending section 5, chapter 157, Laws of 1967 and RCW 43.22.380; amending section 6, chapter 157, Laws of 1967 and RCW 43.22.390; amending section 7, chapter 157, Laws of 1967 and RCW 43.22.400; amending section 8, chapter 157, Laws of 1967 and RCW 43.22.410; and amending section 3, chapter 229, Laws of 1969 ex. sess. and RCW 43.22-.420.

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

Section 1. Section 1, chapter 157, Laws of 1967 as amended by section 1, chapter 229, Laws of 1969 ex. sess. and RCW 43.22.340 are each amended to read as follows:

The director of labor and industries shall prescribe and enforce rules and regulations governing safety of body and frame design, and the installation of plumbing, heating, and electrical equipment in mobile homes, commercial coaches and/or ((travel-trailers)) recreational vehicles: PROVIDED, That the director shall not prescribe or enforce rules and regulations governing the body and frame design of