

CHAPTER 89

[Substitute Senate Bill No. 6350]

GUIDE OR SERVICE DOGS—INJURING OR KILLING—MANDATORY
MONETARY PENALTY—FEES AND COSTS

AN ACT Relating to guide and service dogs; adding new sections to chapter 70.84 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 70.84 RCW to read as follows:

A person who negligently or maliciously kills or injures a guide or service dog is liable for a penalty of one thousand dollars, to be paid to the user of the dog. The penalty shall be in addition to and not in lieu of any other remedies or penalties, civil or criminal, provided by law.

NEW SECTION. Sec. 2. A new section is added to chapter 70.84 RCW to read as follows:

A user or owner of a guide or service dog, whose dog is negligently or maliciously injured or killed, is entitled to recover reasonable attorneys' fees and costs incurred in pursuing any civil remedy.

Passed the Senate February 16, 1988.

Passed the House March 2, 1988.

Approved by the Governor March 16, 1988.

Filed in Office of Secretary of State March 16, 1988.

CHAPTER 90

[Senate Bill No. 6291]

RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

AN ACT Relating to the expansion and improvement of the relocation assistance and real property acquisition policies; amending RCW 8.26.010, 8.26.020, 8.26.180, 8.26.190, and 8.26.200; adding new sections to chapter 8.26 RCW; creating new sections; repealing RCW 8.26.030, 8.26.040, 8.26.050, 8.26.060, 8.26.070, 8.26.080, 8.26.090, 8.26.100, 8.26.110, 8.26.120, 8.26.130, 8.26.140, 8.26.150, 8.26.160, and 8.26.170; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

PART I

GENERAL PROVISIONS

Sec. 1. Section 1, chapter 240, Laws of 1971 ex. sess. and RCW 8.26-.010 are each amended to read as follows:

PURPOSES AND SCOPE. (1) The purposes of this chapter are:

((+)) (a) To establish a uniform policy for the fair and equitable treatment of persons displaced as a direct result of public works programs of the state and local governments in order that such persons shall not suffer

disproportionate injuries as a result of programs designed for the benefit of the public as a whole and to minimize the hardship of displacement on such persons; ((and

~~(2))~~ (b) To encourage and expedite the acquisition of real property for public works programs by agreements with owners, to reduce litigation and relieve congestion in the courts, to assure consistent treatment for owners affected by state and local programs, and to promote public confidence in state and local land acquisition practices.

(2) Notwithstanding the provisions and limitations of this chapter requiring a local public agency to comply with the provisions of this chapter, the governing body of any local public agency may elect not to comply with the provisions of sections 3 through 11 of this act in connection with a program or project not receiving federal financial assistance. Any person who has the authority to acquire property by eminent domain under state law may elect not to comply with sections 12 through 14 of this act in connection with a program or project not receiving federal financial assistance.

(3) Any determination by the head of a state agency or local public agency administering a program or project as to payments under this chapter is subject to review pursuant to chapter 34.04 RCW; otherwise, no provision of this chapter may be construed to give any person a cause of action in any court.

(4) Nothing in this chapter may be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of value or of damage not in existence immediately before the effective date of this act.

Sec. 2. Section 2, chapter 240, Laws of 1971 ex. sess. as amended by section 1, chapter 34, Laws of 1972 ex. sess. and RCW 8.26.020 are each amended to read as follows:

DEFINITIONS. As used in this chapter(~~(=~~)):

(1) The term "state" means any department, commission, agency, or instrumentality of the state of Washington.

(2) The term "local public ~~((body" as used in this chapter))~~ agency" applies to any county, city or town, or other municipal corporation or political subdivision of the state and any person who has the authority to acquire property by eminent domain under state law, or any instrumentality of any of the foregoing ((but only with respect to any program or project the cost of which is financed in whole or in part by a federal agency. Notwithstanding the limitations of this subsection, the governing body of any county, city or town, or other municipal corporation or political subdivision of the state or any instrumentality of any of the foregoing may elect to comply with all the provisions of this chapter in connection with programs and projects not receiving federal assistance)).

(3) The term "person" means any individual, partnership, corporation, or association.

(4) (a) The term "displaced person" means, except as provided in (b) of this subsection, any person who (, on or after July 1, 1971,) moves from real property ((lawfully occupied by him)), or moves his personal property from real property ((on which it was lawfully located, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by the state, or a local public body. Solely for the purposes of subsections (1) and (2) of RCW 8.26.040 and RCW 8.26.070, the term "displaced person" includes any person who, on or after July 1, 1971, moves from real property or moves his personal property from real property, as a result of the acquisition of, or the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for a program or project undertaken by the state or a local public body:))

(i) as a direct result of a written notice of intent to acquire, or the acquisition of, such real property in whole or in part for a program or project undertaken by a displacing agency; or

(ii) on which the person is a residential tenant or conducts a small business, a farm operation, or a business defined in this section, as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, under a program or project undertaken by a displacing agency in any case in which the displacing agency determines that the displacement is permanent.

Solely for the purposes of sections 3 (1) and (2) and 6 of this act, the term "displaced person" includes any person who moves from real property, or moves his personal property from real property

(i) as a direct result of a written notice of intent to acquire, or the acquisition of, other real property in whole or in part on which the person conducts a business or farm operation, for a program or project undertaken by a displacing agency; or

(ii) as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, of other real property on which the person conducts a business or a farm operation, under a program or project undertaken by a displacing agency where the displacing agency determines that the displacement is permanent.

(b) The term "displaced person" does not include:

(i) A person who has been determined, according to criteria established by the lead agency, to be either unlawfully occupying the displacement dwelling or to have occupied the dwelling for the purpose of obtaining assistance under this chapter; or

(ii) In any case in which the displacing agency acquires property for a program or project, any person (other than a person who was an occupant of the property at the time it was acquired) who occupies the property on a

rental basis for a short term or a period subject to termination when the property is needed for the program or project.

(5) The term "business" means any lawful activity, excepting a farm operation, conducted primarily(~~(=)~~):

(a) For the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or other personal property;

(b) For the sale of services to the public;

(c) By a nonprofit organization; or

(d) Solely for the purposes of (~~subsection (1) of RCW 8.26.040~~) section 3 of this act, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by (~~means of~~) the erection and maintenance of an outdoor advertising display or displays, (~~otherwise lawfully erected and maintained,~~) whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(6) The term "farm operation(~~s~~)" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or for home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(7) The term "comparable replacement dwelling" means any dwelling that is (a) decent, safe, and sanitary; (b) adequate in size to accommodate the occupants; (c) within the financial means of the displaced person; (d) functionally equivalent; (e) in an area not subject to unreasonably adverse environmental conditions; and (f) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services, and the displaced person's place of employment.

(8) For purposes of RCW 8.26.180 through 8.26.200, the term "acquiring agency" means:

(a) A state agency or local public agency that has the authority to acquire property by eminent domain under state law; or

(b) Any state agency, local public agency, or person that (i) does not have the authority to acquire property by eminent domain under state law and (ii) has been designated an "acquiring agency" under rules adopted by the lead agency. However, the lead agency may only designate a state agency, local public agency, or a person as an "acquiring agency" to the extent that it is necessary in order to qualify for federal financial assistance.

(9) The term "displacing agency" means the state agency, local public agency, or any person carrying out a program or project, with federal or state financial assistance, that causes a person to be a displaced person.

(10) The term "federal financial assistance" means a grant, loan, or contribution provided by the United States, except any federal guarantee or

insurance and any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual.

(11) The term "mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of this state, together with the credit instruments, if any, secured thereby. (~~The term "mortgage" shall include real estate contracts.~~)

(12) The term "lead agency" means the Washington state department of transportation.

(13) The term "appraisal" means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

PART II

UNIFORM RELOCATION ASSISTANCE POLICY

NEW SECTION, Sec. 3. MOVING AND RELATED EXPENSES.

(1) Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person, the displacing agency shall provide for the payment to the displaced person of:

(a) Actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(b) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate the property, in accordance with criteria established by the lead agency;

(c) Actual reasonable expenses in searching for a replacement business or farm; and

(d) Actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, in accordance with criteria established by the lead agency, but not to exceed ten thousand dollars.

(2) A displaced person eligible for payments under subsection (1) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (1) of this section may receive an expense and dislocation allowance determined according to a schedule established by the lead agency.

(3) A displaced person eligible for payments under subsection (1) of this section who is displaced from the person's place of business or farm operation and who is eligible under criteria established by the lead agency may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (1) of this section. The payment shall

consist of a fixed payment in an amount to be determined according to criteria established by the lead agency, except that the payment shall be not less than one thousand dollars nor more than twenty thousand dollars. A person whose sole business at the displacement dwelling is the rental of that property to others does not qualify for a payment under this subsection.

NEW SECTION. Sec. 4. REPLACEMENT HOUSING FOR HOMEOWNERS. (1) In addition to payments otherwise authorized by this chapter, the displacing agency shall make an additional payment, not in excess of twenty-two thousand five hundred dollars, to any displaced person who is displaced from a dwelling actually owned and occupied by the displaced person for not less than one hundred and eighty days immediately before the initiation of negotiations for the acquisition of the property. The additional payment shall include the following elements:

(a) The amount, if any, that when added to the acquisition cost of the dwelling acquired by the displacing agency, equals the reasonable and necessary cost of a comparable replacement dwelling;

(b) The amount, if any, that will compensate the displaced person for any increased mortgage interest costs and other debt service costs that the person is required to pay for financing the acquisition of any such comparable replacement dwelling. This amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage that was a valid lien on the dwelling for not less than one hundred and eighty days immediately before the initiation of negotiations for the acquisition of the dwelling;

(c) Reasonable expenses incurred by the displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(2) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the date on which the person receives final payment from the displacing agency for the acquired dwelling or the date on which the obligation of the displacing agency under section 7 of this act is met, whichever date is later, except that the displacing agency may extend the period for good cause. If the period is extended, the payment under this section shall be based on the costs of relocating the person to a comparable replacement dwelling within one year of that date.

NEW SECTION. Sec. 5. REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS. (1) In addition to amounts otherwise authorized by this chapter, a displacing agency shall make a payment to or for a displaced person displaced from a dwelling not eligible to receive a payment under section 4 of this act if the dwelling was actually and lawfully occupied by the displaced person for not less than ninety days immediately before (a) the initiation of negotiations for acquisition of the dwelling, or (b) in any case in which displacement is not a direct result of acquisition,

such other event as the lead agency prescribes. The payment shall consist of the amount necessary to enable the person to lease or rent for a period not to exceed forty-two months, a comparable replacement dwelling, but not to exceed five thousand two hundred fifty dollars. At the discretion of the displacing agency, a payment under this subsection may be made in periodic installments. Computation of a payment under this subsection to a low-income displaced person for a comparable replacement dwelling shall take into account the person's income.

(2) A person eligible for a payment under subsection (1) of this section may elect to apply the payment to a down payment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. The person may, at the discretion of the displacing agency, be eligible under this subsection for the maximum payment allowed under subsection (1) of this section, except that, in the case of a displaced homeowner who has owned and occupied the displacement dwelling for at least ninety days but not more than one hundred eighty days immediately before the initiation of negotiations for the acquisition of the dwelling, the payment shall not exceed the payment the person would otherwise have received under section 4(1) of this act had the person owned and occupied the displacement dwelling one hundred eighty days immediately before the initiation of the negotiations.

NEW SECTION. Sec. 6. RELOCATION ASSISTANCE ADVISORY SERVICES. (1) Programs or projects undertaken by a displacing agency shall be planned in a manner that (a) recognizes, at an early stage in the planning of the programs or projects and before the commencement of any actions that will cause displacements, the problems associated with the displacement of individuals, families, businesses, and farm operations, and (b) provides for the resolution of the problems in order to minimize adverse impacts on displaced persons and to expedite program or project advancement and completion.

(2) Displacing agencies shall ensure that the relocation assistance advisory services described in subsection (3) of this section are made available to all persons displaced by the agency. If the agency determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result thereof, the agency may make available to the person the advisory services.

(3) Each relocation assistance advisory program required by subsection (2) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to:

(a) Determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance;

(b) Provide current and continuing information on the availability, sales prices, and rental charges of comparable replacement dwellings for

displaced homeowners and tenants and suitable locations for businesses and farm operations;

(c) Assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location;

(d) Supply (i) information concerning federal, state, and local programs that may be of assistance to displaced persons, and (ii) technical assistance to the persons in applying for assistance under those programs;

(e) Provide other advisory services to displaced persons in order to minimize hardships to them in adjusting to relocation; and

(f) Coordinate relocation activities performed by the agency with other federal, state, or local governmental actions in the community that could affect the efficient and effective delivery of relocation assistance and related services.

(4) Notwithstanding RCW 8.26.020(4)(b), in any case in which a displacing agency acquires property for a program or project, a person who occupies the property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project is eligible for advisory services to the extent determined by the displacing agency.

NEW SECTION. Sec. 7. ASSURANCE OF AVAILABILITY OF HOUSING. (1) If a program or project undertaken by a displacing agency cannot proceed on a timely basis because comparable replacement dwellings are not available, and the head of the displacing agency determines that the dwellings cannot otherwise be made available, the head of the displacing agency may take such action as is necessary or appropriate to provide the dwellings by use of funds authorized for the project. The displacing agency may use this section to exceed the maximum amounts that may be paid under sections 4 and 5 of this act on a case-by-case basis for good cause as determined in accordance with rules adopted by the lead agency.

(2) No person may be required to move from a dwelling on account of any program or project undertaken by a displacing agency unless the displacing agency is satisfied that comparable replacement housing is available to the person.

(3) The displacing agency shall assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable replacement dwelling, except in the case of the following:

(a) A major disaster as defined in section 102(2) of the Federal Disaster Relief Act of 1974;

(b) A national emergency declared by the president; or

(c) Any other emergency that requires the person to move immediately from the dwelling because continued occupancy of the dwelling by the person constitutes a substantial danger to the health or safety of the person.

NEW SECTION. Sec. 8. AUTHORITY OF THE LEAD AGENCY.

(1) The lead agency, after full consultation with the department of general administration, shall adopt rules and establish such procedures as the lead agency may determine to be necessary to assure:

(a) That the payments and assistance authorized by this chapter are administered in a manner that is fair and reasonable and as uniform as practicable;

(b) That a displaced person who makes proper application for a payment authorized for that person by this chapter is paid promptly after a move or, in hardship cases, is paid in advance; and

(c) That a displaced person who is aggrieved by a program or project that is under the authority of a state agency or local public agency may have his application reviewed by the state agency or local public agency.

(2) The lead agency, after full consultation with the department of general administration, may adopt such other rules and procedures, consistent with the provisions of this chapter, as the lead agency deems necessary or appropriate to carry out this chapter.

(3) State agencies and local public agencies shall comply with the rules adopted pursuant to this section by April 2, 1989.

NEW SECTION. Sec. 9. ADMINISTRATION. In order to prevent unnecessary expenses and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, a state agency or local public agency may enter into contracts with any individual, firm, association, or corporation for services in connection with this chapter or may carry out its functions under this chapter through any federal or state agency or local public agency having an established organization for conducting relocation assistance programs. The state agency or local public agency shall, in carrying out relocation activities described in section 7 of this act, whenever practicable, use the services of state or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities.

NEW SECTION. Sec. 10. FUND AVAILABILITY. (1) Funds appropriated or otherwise available to a state agency or local public agency for the acquisition of real property or an interest therein for a particular program or project shall also be available to carry out the provisions of this chapter as applied to that program or project.

(2) No payment or assistance under this chapter may be required to be made to any person or included as a program or project cost under this section, if the person receives a payment required by federal, state, or local law that is determined by the head of the displacing agency to have substantially the same purpose and effect as that payment under this chapter.

NEW SECTION. Sec. 11. RELOCATION ASSISTANCE PAYMENTS NOT INCOME OR RESOURCES. No payment received by a

displaced person under sections 3 through 10 of this act may be considered as income for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any state law or for the purposes of any income tax or any tax imposed under Title 82 RCW, and the payments shall not be deducted from any amount to which any recipient would otherwise be entitled under Title 74 RCW.

PART III
UNIFORM REAL PROPERTY ACQUISITION POLICY

Sec. 12. Section 18, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.180 are each amended to read as follows:

ACQUISITION PROCEDURES. Every ((state)) acquiring agency (~~((and local public body acquiring real property in connection with any program or project))~~) shall, to the greatest extent practicable, be guided by the following policies:

(1) Every reasonable effort shall be made to acquire expeditiously real property by negotiation.

(2) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany at least one appraiser of the acquiring agency during his inspection of the property, except that the lead agency may prescribe a procedure to waive the appraisal in cases involving the acquisition of property with a low fair market value.

(3) Before the initiation of negotiations for real property, the acquiring agency shall establish an amount which it believes to be just compensation therefor, and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of the real property to be acquired prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The acquiring agency shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation. Where appropriate the just compensation for the real property acquired, for damages to remaining real property, and for benefits to remaining real property shall be separately stated.

(4) No owner shall be required to surrender possession of real property before the agreed purchase price is paid or deposited with a court having jurisdiction of condemnation of such property, in accordance with applicable law, for the benefit of the owner an amount not less than the acquiring agency's approved appraisal of the fair market value of such property, or

the amount of the award of compensation in the condemnation proceeding of such property.

(5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling or to move his business or farm operation without at least ninety days written notice of the date by which such move is required.

(6) If an owner or tenant is permitted to occupy the real property acquired on a rental basis for a short term or for a period subject to termination on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

(7) In no event shall the time of condemnation be advanced, on negotiations or condemnation and the deposit of funds in court for the use of the owner be deferred, or any other coercive action be taken to compel an agreement on the price to be paid for the property.

(8) If an interest in real property is to be acquired by exercise of the power of eminent domain, formal condemnation proceedings shall be instituted. The acquiring agency shall not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

(9) If the acquisition of only ~~((part))~~ a portion of a property would leave ~~((its))~~ the owner with an uneconomic remnant, the ~~((acquiring))~~ head of the agency concerned shall offer to acquire ~~((the entire property))~~ that remnant. For the purposes of this chapter, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and that the head of the agency concerned has determined has little or no value or utility.

(10) A person whose real property is being acquired in accordance with this chapter may, after the person has been fully informed of his right to receive just compensation for the property, donate the property, any part thereof, any interest therein, or any compensation paid for it to any agency as the person may determine.

Sec. 13. Section 19, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.190 are each amended to read as follows:

BUILDINGS, STRUCTURES, AND IMPROVEMENTS. (1) Where any interest in real property is acquired, the acquiring agency shall acquire an equal interest in all buildings, structures, or other improvements located upon the real property so acquired and which is required to be removed from such real property or which is determined to be adversely affected by the use to which such real property will be put ~~((shall be acquired))~~.

(2) For the purpose of determining the just compensation to be paid for any building, structure, or other improvement required to be acquired ~~((as above set forth))~~ under subsection (1) of this section, such building,

structure, or other improvement shall be deemed to be a part of the real property to be acquired notwithstanding the right or obligation of a tenant of the lands, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the fair market value which such building, structure, or improvement contributes to the fair market value of the real property to be acquired, or the fair market value of such building, structure, or improvement for removal from the real property, whichever is the greater, shall be paid to the ~~((tenant therefor))~~ owner of such building, structure, or improvement.

(3) Payment for such building~~((s))~~, structure~~((s))~~, or improvement~~((s as set forth above))~~ under subsection (1) of this section shall not result in duplication of any payments otherwise authorized by state law. No such payment shall be made unless the owner of the land involved disclaims all interest in the improvements of the tenant. In consideration for any such payment, the tenant shall assign, transfer, and release all his right, title, and interest in and to such improvements. Nothing with regard to the above-mentioned acquisition of buildings, structures, or other improvements shall be construed to deprive the tenant of any rights to reject payment and to obtain payment for such property interests in accordance with other laws of this state.

Sec. 14. Section 20, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.200 are each amended to read as follows:

EXPENSES INCIDENTAL TO TRANSFER OF RIGHT, TITLE, OR INTEREST TO THE ACQUIRING AGENCY. ~~((A state agency or a local public body acquiring real property,))~~ As soon as practicable after the date of payment of the purchase price or the date ((or)) of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, the acquiring agency shall reimburse the owner, to the extent the acquiring agency deems fair and reasonable, for expenses the owner necessarily incurred for((=)):

(1) Recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the acquiring agency;

(2) Penalty costs for full or partial prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

(3) The pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the acquiring agency, or the effective date of possession of such real property by the acquiring agency, whichever is the earlier.

NEW SECTION. Sec. 15. **EFFECT ON PROPERTY ACQUISITIONS.** The provisions of RCW 8.26.180, 8.26.190, and 8.26.200 create no rights or liabilities and do not affect the validity of any property acquisitions by purchase or condemnation.

PART IV
SEVERABILITY, REPEALS, ETC.

NEW SECTION. Sec. 16. (1) If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

(2) If any part of this chapter is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this chapter is declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and that finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The rules under this chapter shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed.

(1) Section 3, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.030;

(2) Section 4, chapter 240, Laws of 1971 ex. sess., section 1, chapter 7, Laws of 1984 and RCW 8.26.040;

(3) Section 5, chapter 240, Laws of 1971 ex. sess., section 2, chapter 7, Laws of 1984 and RCW 8.26.050;

(4) Section 6, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.060;

(5) Section 7, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.070;

(6) Section 8, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.080;

(7) Section 9, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.090;

(8) Section 10, chapter 240, Laws of 1971 ex. sess. and RCW 8.26-.100;

(9) Section 11, chapter 240, Laws of 1971 ex. sess., section 3, chapter 7, Laws of 1984 and RCW 8.26.110;

(10) Section 12, chapter 240, Laws of 1971 ex. sess. and RCW 8.26-.120;

(11) Section 13, chapter 240, Laws of 1971 ex. sess. and RCW 8.26-.130;

(12) Section 14, chapter 240, Laws of 1971 ex. sess. and RCW 8.26-.140;

(13) Section 15, chapter 240, Laws of 1971 ex. sess. and RCW 8.26-.150;

(14) Section 16, chapter 240, Laws of 1971 ex. sess. and RCW 8.26-.160; and

(15) Section 17, chapter 240, Laws of 1971 ex. sess. and RCW 8.26-.170.

NEW SECTION. Sec. 18. Sections 3 through 11 and 15 of this act are added to chapter 8.26 RCW.

NEW SECTION. Sec. 19. Section captions and part divisions in this act do not constitute any part of the law.

NEW SECTION. Sec. 20. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 8, 1988.

Passed the House March 4, 1988.

Approved by the Governor March 16, 1988.

Filed in Office of Secretary of State March 16, 1988.

CHAPTER 91

[Senate Bill No. 6745]

TELECOMMUNICATIONS—DISCLOSURE OF ALTERNATE OPERATOR SERVICES

AN ACT Relating to alternate operator services; and adding new sections to chapter 80.36 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that a growing number of companies provide, in a nonresidential setting, telecommunications services necessary to long distance service without disclosing the services provided or the rate, charge or fee. The legislature finds that provision of these services without disclosure to consumers is a deceptive trade practice.

NEW SECTION. Sec. 2. The utilities and transportation commission shall by rule require, at a minimum, that any telecommunications company, operating as or contracting with an alternate operator services company, assure appropriate disclosure to consumers of the provision and the rate, charge or fee of services provided by an alternate operator services company.

For the purposes of this chapter, "alternate operator services company" means a person providing a connection to intrastate or interstate long-distance services from places including, but not limited to, hotels, motels, hospitals, and customer-owned pay telephones.

NEW SECTION. Sec. 3. In addition to the penalties provided in this title, a violation of section 1 or 2 of this act constitutes a violation of chapter 19.86 RCW, the consumer protection act. It shall be presumed that damages to the consumer are equal to the cost of the service provided plus two hundred dollars. Additional damages must be proved.