

ORDINANCE NO. 1735

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND,
WASHINGTON, AMENDING SECTION 9.04.020
OF THE REDMOND MUNICIPAL CODE TO
ADOPT BY REFERENCE RCW 66.44.270, THE
STATE STATUTE PROHIBITING FURNISHING
LIQUOR OR PREMISES TO MINORS,
POSSESSION OR CONSUMPTION OF LIQUOR
BY MINORS, PUBLIC INTOXICATION BY
MINORS; CONTAINING A SEVERABILITY
CLAUSE AND ESTABLISHING AN EFFECTIVE
DATE.

WHEREAS, the Redmond City Council finds that this ordinance is in the interest of the public health, safety, and welfare, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

.010 Scrivener's
error 10/18/93

Section 1. Statute. Section 9.04.⁰¹⁰~~020~~ of the Redmond Municipal Code is hereby amended to add the adoption by reference of the following state statute: RCW 66.44.270 Furnishing Liquor to Minors, Minors in Possession or Consumption of Liquor, or Public Intoxication by Minors.

SM

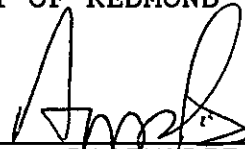
Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other sections, sentence, clause or phrase of this ordinance.

Section 3. Procedure. Incident to the adoption by reference of certain state laws contained in the Revised

Code of Washington, one copy of the text of the statute adopted by reference in this ordinance shall be filed with the City Clerk as required by RCW 35A.12.140 for use and examination by the public.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the city legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of the ordinance or a summary thereof consisting of the title.

CITY OF REDMOND



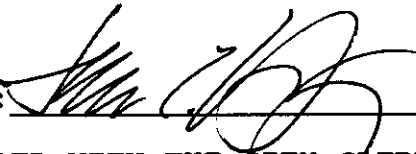
MAYOR, ROSEMARIE IVES

WARREN APPLSTON
MAYOR PROTEM.

ATTEST/AUTHENTICATED:

Louis A. Schaible
CITY CLERK, DORIS A. SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

BY: 

FILED WITH THE CITY CLERK:	August 11, 1993
PASSED BY THE CITY COUNCIL:	August 17, 1993
SIGNED BY THE MAYOR:	August 17, 1993
PUBLISHED:	August 22, 1993
EFFECTIVE DATE:	August 27, 1993
ORDINANCE NO. 1735	

N:\RMCCHAP9.DOC

cash flow needs of the state treasury, the state treasurer may adjust the amount of the allocation accordingly.

NEW SECTION. Sec. 34. A new section is added to chapter 43.86A RCW to read as follows:

The state and those acting as its agents are not liable in any manner for payment of the principal or interest on qualifying loans made under section 30 of this act. Any delay in payments or defaults on the part of the borrower does not in any manner affect the deposit agreement between the qualified public depository and the state treasurer.

NEW SECTION. Sec. 35. A new section is added to chapter 43.131 RCW to read as follows:

The linked deposit program shall be terminated on June 30, 1996, as provided in section 36 of this act.

NEW SECTION. Sec. 36. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1997:

- (1) Section 30 of this act;
- (2) Section 31 of this act; and
- (3) Section 34 of this act.

Section 37 was vetoed by the Governor

~~NEW SECTION. Sec. 37. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.~~

VI. MISCELLANEOUS

NEW SECTION. Sec. 38. This act may be known and cited as the omnibus minority and women-owned businesses assistance act.

NEW SECTION. Sec. 39. Sections 1, 2, and 16 through 27 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 40. CAPTIONS NOT LAW. Part headings and section captions as used in this act do not constitute part of the law.

NEW SECTION. Sec. 41. 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.

NEW SECTION. Sec. 42. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

Approved May 18, 1993.
Effective July 1, 1993.

Sections 8, 28, and 37 were vetoed by the Governor

Ordinance No. 1735

ALCOHOLIC BEVERAGES—UNDERAGE PERSONS—PUBLIC INTOXICATION

CHAPTER 513

S.H.B. No. 1183

AN ACT Relating to persons under age twenty-one who are under the influence of intoxicating liquor or drugs in public; amending RCW 66.44.270; and prescribing penalties.

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

Sec. 1. RCW 66.44.270 and 1987 c 458 s 3 are each amended to read as follows

(1) It is unlawful for any person to sell, give, or otherwise supply liquor to any person under the age of twenty-one years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control. For the purposes of this subsection, "premises" includes real property, houses, buildings, and other structures, and motor vehicles and watercraft.

(2)(a) It is unlawful for any person under the age of twenty-one years to possess, consume, or otherwise acquire any liquor.

(b) It is unlawful for a person under the age of twenty-one years to be in a public place, or to be in a motor vehicle in a public place, while exhibiting the effects of having consumed liquor. For purposes of this subsection, exhibiting the effects of having consumed liquor means that a person has the odor of liquor on his or her breath and either: (i) Is in possession of or close proximity to a container that has or recently had liquor in it; or (ii) by speech manner, appearance, behavior, lack of coordination, or otherwise, exhibits that he or she is under the influence of liquor. This subsection (2)(b) does not apply if the person is in the presence of a parent or guardian or has consumed or is consuming liquor under circumstances described in subsection (4) or (5) of this section.

(3) This section does not apply to liquor given for medicinal purposes to a person under the age of twenty-one years or permitted to be given to a person under the age of twenty-one years by a parent or guardian and consumed in the presence of the parent or guardian. This subsection shall not authorize consumption or possession of liquor by a person under the age of twenty-one years on any premises licensed under chapter 66.24 RCW.

(4) This section does not apply to liquor given for medicinal purposes to a person under the age of twenty-one years by a parent, guardian, physician, or dentist.

(5) This section does not apply to liquor given to a person under the age of twenty-one years when such liquor is being used in connection with religious services and the amount consumed is the minimal amount necessary for the religious service.

(6) Conviction or forfeiture of bail for a violation of this section by a person under the age of twenty-one years at the time of such conviction or forfeiture shall not be a disqualification of that person to acquire a license to sell or dispense any liquor after that person has attained the age of twenty-one years.

Approved May 18, 1993.

Effective July 25, 1993, 90 days after date of adjournment.

- (b) The expiration of fifty-two weeks; or
- (c) The date of the insured's death.
- (7) "Medical and hospital benefits" means payments for all reasonable and necessary expenses incurred by or on behalf of the insured for injuries sustained as a result of an automobile accident for health care services provided by persons licensed under Title 18 RCW, including pharmaceuticals, prosthetic devices and eye glasses, and necessary ambulance, hospital, and professional nursing service.
- (8) "Automobile liability insurance policy" means a policy insuring against loss resulting from liability imposed by law for bodily injury, death, or property damage suffered by any person and arising out of the ownership, maintenance, or use of an insured automobile.
- (9) "Named insured" means the individual named in the declarations of the policy and includes his or her spouse if a resident of the same household.
- (10) "Occupying" means in or upon or entering into or alighting from.
- (11) "Pedestrian" means a natural person not occupying a motor vehicle as defined in RCW 46.04.320.
- (12) "Personal injury protection" means the benefits described in sections 1 through 5 of this act.

NEW SECTION. Sec. 2. (1) No new automobile liability insurance policy or renewal of such an existing policy may be issued unless personal injury protection coverage benefits at limits established in this chapter for medical and hospital expenses, funeral expenses, income continuation, and loss of services sustained by an insured because of bodily injury caused by an automobile accident are offered as an optional coverage.

(2) A named insured may reject, in writing, personal injury protection coverage and the requirements of subsection (1) of this section shall not apply. If a named insured has rejected personal injury protection coverage, that rejection shall be valid and binding as to all levels of coverage and on all persons who might have otherwise been insured under such coverage. If a named insured has rejected personal injury protection coverage, such coverage shall not be included in any supplemental, renewal, or replacement policy unless a named insured subsequently requests such coverage in writing.

NEW SECTION. Sec. 3. (1) Personal injury protection coverage need not be provided for vendor's single interest policies, general liability policies, or other policies, commonly known as umbrella policies, that apply only as excess to the automobile liability policy directly applicable to the insured motor vehicle.

- (2) Personal injury protection coverage need not be provided to or on behalf of:
 - (a) A person who intentionally causes injury to himself or herself;
 - (b) A person who is injured while participating in a prearranged or organized racing or speed contest or in practice or preparation for such a contest;
 - (c) A person whose bodily injury is due to war, whether or not declared, or to an act or condition incident to such circumstances;

(d) A person whose bodily injury results from the radioactive, toxic, explosive, or other hazardous properties of nuclear material;

(e) The named insured or a relative while occupying a motor vehicle owned by the named insured or furnished for the named insured's regular use, if such motor vehicle is not described on the declaration page of the policy under which a claim is made;

(f) A relative while occupying a motor vehicle owned by the relative or furnished for the relative's regular use, if such motor vehicle is not described on the declaration page of the policy under which a claim is made; or

(g) An insured whose bodily injury results or arises from the insured's use of an automobile in the commission of a felony.

NEW SECTION. Sec. 4. Insurers providing automobile insurance policies must offer minimum personal injury protection coverage for each insured with maximum benefit limits as follows:

618 Additions are indicated by underline; deletions are indicated by strikethrough

(1) Medical and hospital benefits of ten thousand dollars for expenses incurred within three years of the automobile accident;

(2) Benefits for funeral expenses in an amount of two thousand dollars;

(3) Income continuation benefits covering income losses incurred within one year after the date of the insured's injury in an amount of ten thousand dollars, subject to a limit of the lesser of two hundred dollars per week or eighty-five percent of the weekly income. The combined weekly payment receivable by the insured under any workers' compensation or other disability insurance benefits or other income continuation benefit and this insurance may not exceed eighty-five percent of the insured's weekly income;

(4) Loss of services benefits in an amount of five thousand dollars, subject to a limit of forty dollars per day not to exceed two hundred dollars per week; and

(5) Payments made under personal injury protection coverage are limited to the amount of actual loss or expense incurred.

NEW SECTION. Sec. 5. In lieu of minimum coverage required under section 4 of this act, an insurer providing automobile liability insurance policies shall offer and provide, upon request, personal injury protection coverage with benefit limits for each insured of:

(1) Up to thirty-five thousand dollars for medical and hospital benefits incurred within three years of the automobile accident;

(2) Up to two thousand dollars for funeral expenses incurred;

(3) Up to thirty-five thousand dollars for one year's income continuation benefits, subject to a limit of the lesser of seven hundred dollars per week or eighty-five percent of the weekly income; and

(4) Up to forty dollars per day for loss of services benefits, for up to one year from the date of the automobile accident.

Payments made under personal injury protection coverage are limited to the amount of actual loss or expense incurred.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are each added to chapter 48.22 RCW.

NEW SECTION. Sec. 7. 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.

NEW SECTION. Sec. 8. Sections 1 through 5 of this act shall take effect July 1, 1994.

NEW SECTION. Sec. 9. The commissioner may adopt such rules as are necessary to implement sections 1 through 5 of this act.

Approved May 7, 1993.

Generally effective July 25, 1993, 90 days after date of adjournment; §§ 1 to 5 effective July 1, 1994.

FIREARMS—FORFEITURE—DISPOSITION—DESTRUCTION

CHAPTER 243

S.H.B. No. 1259

AN ACT Relating to forfeiture of firearms; amending RCW 9A1.098; and declaring an emergency.

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

Sec. 1. RCW 9A1.098 and 1989 c 222 s 8 are each amended to read as follows:

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

Additions are indicated by underline; deletions are indicated by strikethrough