

**Chapter 1.12 RCW
RULES OF CONSTRUCTION**

Sections

- 1.12.010 Code to be liberally construed.
- 1.12.020 Statutes continued, when.
- 1.12.025 Construction of multiple amendments to statutes—
Publication—Decodification of repealed sections.
- 1.12.026 Construction of statutes—Retrospective application.
- 1.12.028 Construction of statutes—Internal references as including
amendments thereto.
- 1.12.040 Computation of time.
- 1.12.050 Number and gender.
- 1.12.060 Certified mail—Use—Electronic return receipts authorized.
- 1.12.070 Reports, claims, tax returns, remittances, etc.—Filing.
- 1.12.080 Construction of statutes—Domestic relations—Exceptions.

RCW 1.12.010 Code to be liberally construed. The provisions of this code shall be liberally construed, and shall not be limited by any rule of strict construction. [1891 c 23 § 1, part; Code 1881 §§ 758, 1686; 1877 p 153 § 763; 1854 p 221 § 504; RRS § 144.]

Reviser's note: (1) This section is a part of 1891 c 23 § 1. The introductory phrase of that section provides: "The following provisions relative to the construction of statutes shall be rules of construction and shall constitute a part of the code of procedure of this state:"

(2) This section was originally section 504 of the 1854 statute entitled "An act to regulate the practice and proceedings in civil actions." Section 504 of the 1854 statute reads as follows: "The provisions of this act shall be liberally construed and shall not be limited by any rule of strict construction." Identical language appears in Code of 1881 § 1686 relating to probate, and again in Code of 1881 § 758, being part of "An act to regulate the practice and proceedings in civil actions" except that in the latter instance the 1881 codifier changed the words "this act" to read "this code."

RCW 1.12.020 Statutes continued, when. The provisions of a statute, so far as they are substantially the same as those of a statute existing at the time of their enactment, must be construed as continuations thereof. [1891 c 23 § 1, part; Code 1881 §§ 761, 1292, 1681; RRS § 145.]

Reviser's note: This section is a part of 1891 c 23 § 1. The introductory phrase of that section provides: "The following provisions relative to the construction of statutes shall be rules of construction and shall constitute a part of the code of procedure of this state:".

Laws in force continued: State Constitution Art. 27 § 2.

**RCW 1.12.025 Construction of multiple amendments to statutes—
Publication—Decodification of repealed sections.** (1) If at any

session of the legislature there are enacted two or more acts amending the same section of the session laws or of the official code, each amendment without reference to the others, each act shall be given effect to the extent that the amendments do not conflict in purpose, otherwise the act last filed in the office of the secretary of state in point of time, shall control: PROVIDED, That if one or more special sessions of the same legislature shall follow any regular session, this rule of construction shall apply to the laws enacted at either, both, any, or all of such sessions.

(2) If a section of the session laws or of the official code is amended without reference to another amendment of the same section, the code reviser, in consultation with the statute law committee, may publish the section in the official code with all amendments incorporated therein. The publication of the section under this subsection shall occur only if the statute law committee determines that the amendments do not conflict in purpose or effect. Sections so published constitute prima facie evidence of the law but shall not be construed as changing the meaning of any such law.

The code reviser, in consultation with the statute law committee, may decodify a section of the official code which was repealed without reference to an amendment to the section. The decodification of the section shall occur only if the statute law committee determines that the decodification does not conflict with the purpose of the amendment. Any decision of the code reviser, in consultation with the statute law committee, to incorporate amendments in the same section or to decodify a section which was both repealed and amended in the same session shall be clearly noted in the revised code of Washington.

If any conflict arises in the interpretation of a section published or decodified under this subsection, the session law sections shall control. [1983 c 244 § 1; 1980 c 87 § 2; 1974 ex.s. c 87 § 1; 1969 ex.s. c 240 § 1; 1955 c 162 § 1.]

RCW 1.12.026 Construction of statutes—Retrospective application. The provisions of RCW 1.12.025 as now or hereafter amended shall apply retrospectively as well as prospectively. [1969 ex.s. c 240 § 2.]

RCW 1.12.028 Construction of statutes—Internal references as including amendments thereto. If a statute refers to another statute of this state, the reference includes any amendments to the referenced statute unless a contrary intent is clearly expressed. [1982 c 16 § 1.]

RCW 1.12.040 Computation of time. The time within which an act is to be done, as herein provided, shall be computed by excluding the first day, and including the last, unless the last day is a holiday, Saturday, or Sunday, and then it is also excluded. [1997 c 125 § 1; 1887 c 20 § 1; Code 1881 § 743; 1854 p 219 § 486; RRS § 150.]

Rules of court: CR 6(a), RAP 18.6. Cf. RAP 18.22.

Reviser's note: This section has been enacted at various times as part of "An act to regulate the practice and proceedings in civil actions." However, *Allen v. Morris*, 87 Wash. 268, 274, 151 Pac. 827

(1915); State ex rel. Evans v. Superior Court, 168 Wash. 176, 179, 11 P. (2d) 229 (1932); State v. Levesque, 5 Wn. (2d) 631, 635, 106 P. (2d) 309 (1940); and State ex rel. Early v. Batchelor, 15 Wn. (2d) 149, 130 P. (2d) 72 (1942), treat this section as being of general application.

RCW 1.12.050 Number and gender. Words importing the singular number may also be applied to the plural of persons and things; words importing the plural may be applied to the singular; and words importing the masculine gender may be extended to females also. [1891 c 23 § 1, part; Code 1881 §§ 756, 965, 1920; 1877 p 153 § 761; 1857 p 45 § 1; 1854 p 99 § 135 and p 221 § 502; RRS § 148.]

Reviser's note: This section is a part of 1891 c 23 § 1. The introductory phrase of that section provides: "The following provisions relative to the construction of statutes shall be rules of construction and shall constitute a part of the code of procedure of this state:".

Probate, number and gender: RCW 11.02.005.

Statutes in gender-neutral terms: RCW 44.04.210.

Wrongful death, number and gender: RCW 4.20.005.

RCW 1.12.060 Certified mail—Use—Electronic return receipts authorized. (1) Whenever the use of "registered" mail is authorized by this code, "certified" mail, with return receipt requested, may be used.

(2) Whenever the use of "certified mail with a return receipt requested" is authorized or required by this code, electronic return receipt delivery confirmation provided by the United States postal service may be used. [2009 c 251 § 1; 1961 c 204 § 1.]

RCW 1.12.070 Reports, claims, tax returns, remittances, etc.—Filing. Except as otherwise specifically provided by law hereafter:

(1) Any report, claim, tax return, statement or other document required to be filed with, or any payment made to the state or to any political subdivision thereof, which is (a) transmitted through the United States mail or private third-party delivery service, shall be deemed filed and received by the state or political subdivision on the date shown by the post office or private third-party delivery service cancellation mark or shipping date stamped or affixed upon the envelope or other appropriate wrapper containing it; or (b) mailed via United States mail or sent by a private third-party delivery service but not received by the state or political subdivision, or where received and the cancellation mark or shipping date is illegible, erroneous, or omitted, shall be deemed filed and received on the date it was mailed if the sender establishes by competent evidence that the report, claim, tax return, statement, remittance, or other document was deposited with a private third-party delivery service or in the United States mail on or before the date due for filing; and in cases of such nonreceipt of a report, tax return, statement, remittance, or other document required by law to be filed, the sender files with the

state or political subdivision a duplicate within ten days after written notification is given to the sender by the state or political subdivision of its nonreceipt of such report, tax return, statement, remittance, or other document.

(2) (a) If any report, claim, tax return, statement, remittance, or other document is sent by United States registered mail, certified mail or certificate of mailing, a record authenticated by the United States post office of such registration, certification or certificate shall be considered competent evidence that the report, claim, tax return, statement, remittance or other document was delivered to the addressee, and the date of registration, certification or certificate shall be deemed the postmarked date.

(b) If any report, claim, tax return, statement, remittance, or other document is sent via private third-party delivery service, a record authenticated by the private third-party delivery service shall be considered competent evidence that the report, claim, tax return, statement, remittance, or other document was delivered to the addressee, and the date of deposit with the private third-party delivery service shall be deemed the shipping date.

(3) If the date for filing any report, claim, tax return, statement, remittance, or other document falls upon a Saturday, Sunday or legal holiday, the filing shall be considered timely if performed on the next business day. [2005 c 502 § 1; 1967 c 222 § 1.]

Effective date—2005 c 502: "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 takes effect immediately [May 17, 2005]." [2005 c 502 § 11.]

RCW 1.12.080 Construction of statutes—Domestic relations—Exceptions. For the purposes of this code and any legislation hereafter enacted by the legislature or by the people, with the exception of chapter 26.04 RCW, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, unless the legislation expressly states otherwise and to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009 and chapter 3, Laws of 2012, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships and spouses of the same sex. [2012 c 3 § 13 (Referendum Measure No. 74, approved November 6, 2012); 2011 c 9 § 2; 2009 c 521 § 3.]

Notice—2012 c 3: See note following RCW 26.04.010.