

planatory statement. Such appeal shall be heard without costs to either party.

Passed the Senate February 24, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

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## CHAPTER 177.

[ S. B. 131. ]

### RAILROADS—PENALTIES FOR VIOLATING SANITATION, SHELTER RULES.

AN ACT relating to transportation; providing penalties for failure of railroad companies to comply with regulations of public service commission regarding sanitation and shelter; and adding two new sections to chapter 81.40, chapter 14, Laws of 1961 (House Bill No. 5) and to chapter 81.40 RCW.

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

SECTION 1. There is added to chapter 81.40, chapter 14, Laws of 1961 (House Bill No. 5) and to chapter 81.40 RCW a new section to read as follows:

New section.

In addition to all other penalties provided by law, every railroad company subject to the rules and regulations promulgated by the commission pursuant to RCW 81.40.095, and every officer, agent or employee of any such railroad company who violates or who procures, aids or abets in the violation of any provision of the rules and regulations of the commission promulgated pursuant to RCW 81.40.095 shall incur a penalty of one hundred dollars for every such violation: *Provided, however,* That any such penalty shall commence running only after notice of such violation shall have been issued by the commission to the violating party.

Violations of sanitation, shelter rules—Penalty.

Each and every such violation shall be a separate and distinct offense and in case of a continuing violation every day's continuance shall be and be deemed to be a separate and distinct violation.

Every act or commission or omission which pro-

cures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for.

New section.

SEC. 2. There is added to chapter 81.40, chapter 14, Laws of 1961 (House Bill No. 5) and to chapter 81.40 RCW a new section to read as follows:

Penalties.  
Enforcement  
of—Mitigation.

The penalty provided in section 1 shall become due and payable when the person incurring the same receives a notice in writing from the commission describing such violation with reasonable particularity and advising such person that the penalty is due. The commission may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in section 1 or discontinue any prosecution to recover the same upon such terms as it in its discretion shall deem proper and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as it may deem proper.

Actions for.

If the amount of such penalty is not paid to the commission within fifteen days after receipt of notice imposing the same or application for remission or mitigation has not been made within fifteen days after violator has received notice of the disposition of such application, the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of some other county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise herein provided.

Disposition of  
moneys  
received as  
penalties.

All penalties recovered under this section shall be paid into the state treasury and credited to the public service revolving fund.

Passed the Senate March 7, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 20, 1961.