

CHAPTER 116.

[H. B. 429.]

RELATING TO LOG PATROLS AND STRAY LOGS.

AN ACT relating to stray logs, boom sticks and chains, the recapture and disposal thereof, relating to charges for such activity, licensing Log Patrols, defining their powers and fixing responsibility thereof, and fixing penalties for violations.

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

SECTION 1. That from and after the effective date of this act, it shall be unlawful for any person, firm association or corporation to directly or indirectly engage in the activities of a Log Patrol on or adjacent to the waters of this state except the Columbia River and its tributaries, except as hereinafter provided.

Unlawful acts.

SEC. 2. The words and phrases herein used, unless the same be clearly contrary to or inconsistent with the context of this act or the section in which used, shall be construed as follows:

Definitions.

(a) "Log Patrol" shall include all activities in connection with the recapture, repossession and delivery to owners or to boom companies of stray logs in this state except activities by the owner of such logs, the transportation agency that towed or transported the booms or cargo from which such stray logs were lost, or any other duly constituted agent of the owner;

"Log Patrol."

(b) "Stray Logs" shall mean and include any and all logs, piling, poles and boom sticks that are adrift or have been adrift and stranded on beaches, marshes or tidal and shorelands, which have escaped in any manner from the owner or from a transportation agency, from storage or while being transported;

"Stray Logs."

(c) "Person" shall include the plural and all corporations, foreign and domestic, copartnerships, firms and associations of persons.

"Person."

License.

SEC. 3. Before any person may engage in Log Patrol activities he must have an existing license from the state therefor. Before any license is issued the applicant must apply to the Director of Licenses in the form to be prescribed by said Director. Said application must contain the name and address of the applicant or applicants, the name, type and size of floating equipment, to be used, and the mailing address of the principal place of business at which address process may be served upon such applicant. Before any license may be issued said applicant must execute and file with said Director, to be approved by him, a surety bond running to the State of Washington in the penal sum of five thousand dollars (\$5,000), conditioned that said applicant will comply with all the requirements of the laws of the State of Washington, governing such activities, and will account for all stray logs taken into possession, which said bond shall not be diminished by any recovery but shall at all times remain and be in force and effect in the full amount for any person claiming damages against said licensee. Each application shall be accompanied by a remittance of twenty-five dollars (\$25) for each boat to be used or operated in such activities by the licensee or his agent. All licenses shall expire on June 30th following the date of issuance. The Director shall issue each applicant a license and shall assign to each a number that will identify the boats and other floating equipment to be used by said applicant.

Application.

Bond.

Fee.

Expiration date.

Sign on boat.

SEC. 4. Each licensee or his agent before engaging in the activities of a log patrol must cause to be conspicuously painted on such equipment and kept at all times legible, in letters at least eight (8) inches high the words, "Log Patrol", "License Number" (inserting the number allotted in the blank), whereupon said licensee with units thus marked shall be authorized to engage in the activities of a log patrol as herein provided.

SEC. 5. (a) All stray logs, shall whenever practicable, be returned to the owner or his agent, otherwise be delivered to the nearest boom company, and the Log Patrol shall be entitled to a reasonable compensation for the recovery and return of such logs, and shall have all the rights incident to a logger's lien therefor: *Provided*, That no Log Patrol shall take into possession any stray logs during the time that the owner, his agent, or the transportation agency which lost said stray logs, are attempting, or, are awaiting favorable weather conditions, to attempt to recover said stray logs. The boom company upon receipt of such stray logs shall cause the same to be scaled by a log scaling bureau or by an individual log scaler whose regular and established business is that of scaling logs and thereafter sell such stray logs in the open market to the person making the highest offer and from the proceeds pay the Log Patrol for services performed.

Disposal of stray logs.

Compensation.

Lien rights.

Owner's right to recover logs.

Sale by boom company.

(b) From such proceeds, the boom company shall deduct the usual and customary handling charges, and pay to the owner the balance: *Provided, however*, The net proceeds from unbranded stray logs, and branded stray logs the ownership of which can not be determined by existing records, shall be placed in a separate fund and escheat to the State of Washington and be remitted to the State Treasurer.

Proceeds of sales.

Escheat to state.

SEC. 6. Branded and marked logs, boom sticks and boom chains shall be presumed to be the property of the person in whose name the brand or catch brand thereon imprinted is registered in the office of the Secretary of State.

Presumption of ownership.

SEC. 7. Boom companies as herein used, means a boom company organized and operating under authority of the Laws of 1890, pages 470-473, as amended, (Sections 8399-8407 of Rem. Rev. Stat.,

Boom companies.

Sections 452-1—452-17 PPC); or Chapter 72, Laws of 1895, as amended, (Sections 8408-8415 of Rem. Rev. Stat., Sections 452-19—452-33 PPC).

Boom sticks
and chains.

SEC. 8. Branded or marked boom sticks and boom chains shall be held for the owner as identified by the registered brand or mark thereon, and when so delivered by a Log Patrol it shall be entitled to receive reasonable compensation.

Presumption
to defraud.

SEC. 9. Any Log Patrol having possession of stray logs, boom sticks or boom chains, except as herein provided shall be presumed to have and hold possession of same with intent to deprive and defraud the owner thereof and such possession shall be *prima facie* evidence of intent to defraud.

Notice by
owner to
Log Patrol.

SEC. 10. Whenever the owner of any logs, boom sticks or chains, shall notify a Log Patrol by registered mail, addressed to the place of business listed in the application for license, not to take into possession any logs, boom sticks or chains, belonging to such owner and designating the brands and marks, then it shall be unlawful for such Log Patrol to thereafter take possession of any logs, boom sticks or chains bearing such brands or marks, until thirty (30) days after such property has been lost from the owner, the agent, storage grounds, or transportation agency, or until such time as such notice has been rescinded by notice thereof served in the same manner.

Unlawful
acts.

SEC. 11. It shall be unlawful for any Log Patrol or any other person without the consent of the owner, to take into possession with intent to sell, or for any person to buy boom sticks or chains, or to manufacture boom sticks into lumber or other wooden products without the written consent of the owner.

Purchases
from other
than owner
or boom
company.

SEC. 12. It shall be unlawful to purchase stray logs other than from the owner, or from a boom company as provided in this act.

SEC. 13. Any violation of this act shall be a gross misdemeanor. In addition thereto, the owner who has been deprived of the use, benefit or possession of any stray logs, boom sticks or boom chains, in violation of this act, shall have a right of civil action to recover for himself in damages from any person causing such deprivation, including the purchaser of such stray logs, boom sticks and boom chains.

Violations.

Civil action for damages.

SEC. 14. Every Log Patrol shall keep, at the place of business listed in its application, open to public inspection, during office hours, such permanent record as will be a tabulation of its log patrol activities.

Permanent record to be kept by Log Patrol.

SEC. 15. If any section, phrase, provision or clause hereof shall be held ineffectual for any reason, or unconstitutional, that shall not affect the validity of the remaining portions of said act.

Saving clause.

SEC. 16. In case of conflict with any existing provision of law, the provisions hereof shall prevail.

Conflict with former law.

Passed the House March 9, 1947.

Passed the Senate March 9, 1947.

Approved by the Governor March 15, 1947.

CHAPTER 117.

[S. B. 14.]

METROPOLITAN PARK DISTRICTS.

AN ACT relating to Metropolitan Park Districts and the levy of taxes therefor, and amending section 5, chapter 264, Laws of 1943 (sec. 6741-5, Rem. Rev. Stat.; sec. 413-79, PPC).

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

SECTION 1. Section 5, chapter 264, Laws of 1943 (sec. 6741-5, Rem. Rev. Stat.; sec. 413-79, PPC) is hereby amended to read as follows: