

ing sections of Remington & Ballinger's Annotated Codes and Statutes of Washington, or any part thereof: 6572 to 6589, inclusive, 8213 to 8240, inclusive, and 8626.

SEC. 76. The time when Sections 6604-48 to 6604-120 shall take effect shall be in accordance with the provisions of the seventh amendment to the state constitution, but the rewards and penalties prescribed by Sections 6604-96, 6604-98, 6604-99, 6604-100, 6604-101, 6604-102, 6604-105, 6604-106, 6604-107, 6604-108, and the penalty provided by Section 6604-52, shall not be operative until on and after the expiration of four fractional or full calendar months after said sections shall take effect.

Passed the House March 3, 1919.

Passed the Senate March 10, 1919.

Approved by the Governor March 15, 1919.

Time of
taking
effect.

CHAPTER 131.

[H. B. 251.]

AMENDMENT OF INDUSTRIAL INSURANCE ACT.

AN ACT relating to the compensation of injured workmen and their dependents, and amending sections 6604-2, 6604-3, 6604-4, 6604-5, 6604-6, 6604-10, 6604-22 and 6604-23 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 6604-2 of Rem. & Bal. Code be amended to read as follows:

Section 6604-2. There is a hazard in all employment, but certain employments have come to be, and to be recognized as being, inherently constantly dangerous. This act is intended to apply to all such inherently hazardous works and occupations, and it

Extra
hazardous
occupations.

is the purpose to embrace all of them, which are within the legislative jurisdiction of the state, in the following enumeration, and they are intended to be embraced within the term "extra hazardous" wherever used in this act, to-wit:

Factories, mills and workshops where machinery is used; printing, electrotyping, photo-engraving and stereotyping plants where machinery is used; foundries, blast furnaces, mines, wells, gas works, water works, reduction works, breweries, elevators, wharves, docks, dredges, smelters, powder works; laundries operated by power; quarries; engineering works; logging, lumbering and ship-building operations; logging, street and interurban railroads; buildings being constructed, repaired, moved or demolished; telegraph, telephone, electric light or power plants or lines, steam heating or power plants, steamboats, tugs, ferries and railroads. If there be or arise any extra hazardous occupation or work other than those hereinabove enumerated, it shall come under this act, and its rate of contribution to the accident fund hereinafter established, shall be, until fixed by legislation, determined by the department hereinafter created, upon the basis of the relation which the risk involved bears to the risks classified in section 4.

The commission shall have power, after hearing had upon its own motion or upon the application of any party interested, to declare any such extra hazardous occupation or work to be under this act. The commission shall fix the time and place of such hearing, and shall cause notice thereof to be published once at least ten days before the hearing in at least one daily newspaper of general circulation, published and circulated in each city of the first class in this state. No defect or inaccuracy in such notice or in the publication thereof shall invalidate

Hearings
for determin-
ing extra
hazardous
occupations.

any order issued by the commission after hearing had. Any person affected shall have the right to appear and be heard at any such hearing. Any order, finding or decision of the commission made and entered under the foregoing provisions of this act shall be subject to review by the courts within the time and in the manner specified in section 6604-20, and not otherwise.

Court
review.

SEC. 2. That section 6604-3 of Rem. & Bal. Code be amended to read as follows:

Definitions.

Section 6604-3. In the sense of this act words employed mean as here stated, to-wit:

Factory.

Factories mean undertakings in which the business of working at commodities is carried on with power-driven machinery, either in manufacture, repair or change, and shall include the premises, yard and plant of the concern.

Workshop.

Workshop means any plant, yard, premises, room or place wherein power-driven machinery is employed and manual labor is exercised by way of trade for gain or otherwise in or incidental to the process of making, altering, repairing, printing or ornamenting, finishing or adapting for sale or otherwise any article or part of article, machine or thing, over which premises, room or place the employer of the person working therein has the right of access or control.

Mill.

Mill means any plant, premises, room or place wherein machinery is used, any process of machinery, changing, altering or repairing any article or commodity for sale or otherwise, together with the yards and premises which are a part of the plant, including elevators, warehouses and bunkers.

Mine.

Mine means any mine where coal, clay, ore, mineral, gypsum or rock is dug or mined underground.

Quarry.

Quarry means an open cut from which coal is mined, or clay, ore, mineral, gypsum, sand, gravel

or rock is cut or taken for manufacturing, building or construction purposes.

Engineering work means any work of construction, improvement or alteration or repair of buildings, structures, streets, highways, sewers, street railways, railroads, logging roads, interurban railroads, harbors, docks, canals; electric, steam or water power plants, telegraph and telephone plants and lines, electric light or power lines, and includes any other works for the construction, alteration or repair of which machinery driven by mechanical power is used. Engineering work.

Except when otherwise expressly stated, employer means any person, body of persons, corporate or otherwise, and the legal personal representatives of a deceased employer, all while engaged in this state in any extra hazardous work. Employer.

Workman means every person in this state, who is engaged in the employment of an employer coming under this act whether by way of manual labor or otherwise, and whether upon the premises or at the plant or, he being in the course of his employment, away from the plant of his employer: *Provided, however,* that if the injury to a workman occurring away from the plant of his employer is due to the negligence or wrong of another not in the same employ, the injured workman, or if death result from the injury, his widow, children or dependents, as the case may be, shall elect whether to take under this act or seek a remedy against such other, such election to be in advance of any suit under this section; and if he take under this act, the cause of action against such other shall be assigned to the state for the benefit of the accident fund; if the other choice is made, the accident fund shall contribute only the deficiency, if any, between the amount of recovery against such third person actu- Workman.

Election of remedies.

ally collected, and the compensation provided or estimated by this act for such case. Any such cause of action assigned to the state may be prosecuted, or compromised by the department, in its discretion. Any compromise by the workman of any such suit, which would leave a deficiency to be made good out of the accident fund, may be made only with the written approval of the department.

Compromises.

Any individual employer or any member or officer of any corporate employer who shall be carried upon the payroll at a salary or wage not less than the average salary or wage named in such payroll and who shall be injured, shall be entitled to the benefit of this act as and under the same circumstances as and subject to the same obligations as a workman: *Provided*, that no such employer or the beneficiaries or dependents of such employer shall be entitled to benefits under this act unless the commission prior to the date of the injury has received notice in writing of the fact that such employer is being carried upon the payroll prior to the date of the injury as the result of which claims for compensation are made.

Employer entitled to benefits.

Dependent.

Dependent means any of the following named relatives of a workman whose death results from any injury and who leaves surviving no widow, widower, or child under the age of sixteen years, viz.: Invalid child over the age of eighteen years, daughter between sixteen and eighteen years of age, father, mother, grandfather, grandmother, stepfather, stepmother, grandson, granddaughter, brother, sister, half-sister, half-brother, niece, nephew, who at the time of the accident are dependent in whole or in part for their support upon the earnings of the workmen. Except where otherwise provided by treaty, aliens other than father or mother, not residing within the United States at the time of the accident, are not included.

Beneficiary means a husband, wife, child or dependent of a workman, in whom shall vest a right to receive payment under this act. Beneficiary.

Invalid means one who is physically or mentally incapacitated from earning. Invalid.

The word "child" as used in this act, includes a posthumous child, a stepchild, a child legally adopted prior to the injury and an illegitimate child legitimated prior to the injury. Child.

The words "injury" or "injured" as used in this act refer only to an injury resulting from some fortuitous event as distinguished from the contraction of disease. Injury.

SEC. 3. That section 6604-4 of Rem. & Bal. Code be amended to read as follows:

Section 6604-4. Inasmuch as industry should bear the greater portion of the burden of the cost of its accidents, each employer shall, prior to January 15th of each year, pay into the state treasury, in accordance with the following schedule, a sum equal to a percentage of his total payroll for that year, to-wit: (the same being deemed the most accurate method of equitable distribution of burden in proportion to relative hazard): Contribution schedule.

CONSTRUCTION WORK.

Tunnels; bridges; trestles; sub-aqueous works; ditches and canals (other than irrigation without blasting); dock excavation; fire escapes; sewers; house moving; house wrecking065	Construction work.
Iron, or steel frame structures or parts of structures080	
Electric light or power plants or systems; telegraph or telephone systems; pile driving; steam railroads050	

Steeple, towers or grain elevators, not metal frames; dry-docks without excavation; jetties; breakwaters; chimneys; marine railways; water works or systems; electric railways with rock work or blasting; blasting; erecting fireproof doors or shutters..	.050
Steam heating plants; tanks, water towers or windmills, not metal frames.....	.040
Shaft sinking060
Concrete buildings; freight or passenger elevators; fire-proofing of buildings; galvanized iron or tin works; gas works, or systems; marble, stone or brick work; road making with blasting; roof work; safe moving; slate work; outside plumbing work; metal smokestacks or chimneys....	.050
Excavations not otherwise specified; blast furnaces040
Street or other grading; cable or electric street railways without blasting; advertising signs; ornamental metal work in buildings035
Ship or boat building or wrecking with scaffolds; floating docks045
Carpenter work not otherwise specified.....	.035
Installation of steam boilers or engines; placing wire in conduits; installing dynamos; putting up belts for machinery; marble, stone or tile setting, inside work; mantel setting; metal ceiling work; mill or shipwrighting; painting of buildings or structures; installation of automatic sprinklers; ship or boat rigging; concrete laying in floors; foundations or street paving; asphalt laying; covering steam pipes or boilers; installation of machinery not otherwise specified030

Drilling wells; installing electrical apparatus or fire alarm systems in buildings; house heating or ventilating systems; glass setting; building hot houses; lathing; paper hanging; plastering; inside plumbing; wooden stair building; road making..... .020

OPERATION (INCLUDING REPAIR WORK) OF

(All combinations of material take the higher rate when not otherwise provided.)

Operation and repairs.

Logging railroads; railroads; dredges; inter-urban electric railroads using third rail system; dry or floating docks..... .050

Electric light or power plants; interurban electric railroads nor using third rail system; quarries040

Street railways, all employes; telegraph or telephone systems; stone crushing; blasting furnaces; smelters; coal mines; gas works, steamboats; tugs; ferries..... .030

Mines, other than coal; steam heating or power plants025

Grain elevators; laundries; water works; paper or pulp mills; garbage works..... .020

FACTORIES USING POWER DRIVEN MACHINERY.

Stamping tin or metal..... .045

Power driven machinery.

Bridge work; railroad car or locomotive making or repairing; cooperage; logging with or without machinery; saw mills; shingle mills; staves; veneer; box; lath; packing cases; sash, door or blinds; barrel, keg, pail; basket; tub; wooden ware or wooden fibre ware; rolling mills; making steam shovels or dredges; tanks, water towers; asphalt, building material not otherwise specified; fertilizer; cement;

stone with or without machinery; kindling wood; masts and spars with or without machinery; canneries, metal stamping extra; creosoting works; pile treating works.... .025

Excelsior, iron, steel, copper, zinc, brass or lead articles or wares not otherwise specified; working in wood not otherwise specified; hardware; tile, brick; terra cotta; fire clay; pottery, earthen ware; porcelain ware; peat fuel; briquettes..... .020

Breweries; bottling works; boiler works; foundries; machine shops not otherwise specified020

Cordage; working in foodstuffs, including oils, fruits and vegetables; working in wool, cloth, leather, paper, broom, brush, rubber or textiles not otherwise specified..... .015

Making jewelry, soap, tallow, lard, grease, condensed milk015

Creameries; printing; electrotyping; photo-engraving; engraving, lithographing..... .015

MISCELLANEOUS WORK.

Miscellaneous.

Stevedoring; longshoring030

Operating stock yards, with or without railroad entry; packing houses..... .025

Wharf operation; artificial ice, refrigerating or cold storage plants; tanneries; electric systems not otherwise specified..... .020

Theatre stage employees..... .015

Fire works manufacturing..... .050

Powder works100

The application of this act as between employers and workmen shall date from and include the first day of October, 1911. The payment for 1911 shall be made prior to the day last named, and shall be preliminarily collected upon the payroll of the last preceding three months of operation. At the end of

each year an adjustment of accounts shall be made upon the basis of the actual payroll. Any shortage shall be made good on or before February 1st, following. Every employer who shall enter into business at any intermediate day, or who shall resume operations in any work or plant after the final adjustment of his payroll in connection therewith, shall, before so commencing or resuming operations, as the case may be, notify the commission of such fact, accompanying such notification with an estimate of his payroll for the initial year or portion thereof, and shall make payment of the premium on such estimated payroll for the first three months of operations. Every such employer shall be liable for a premium of at least three dollars irrespective of the amount of his payroll. An adjustment upon such payroll shall be made as in other cases.

Adjustment
of accounts.

Every employer within the provisions of this act shall on or before the fifteenth day of January, the fifteenth day of May and the fifteenth day of September of each year furnish the department with a true and accurate payroll showing the aggregate number of work days, that is men-days, during which workmen were employed by him during the four preceding calendar months, the total amount paid to such workmen during said four months, and a segregation of employment in the different classes provided in this act. The sufficiency of such statement shall be subject to the approval of the Industrial Insurance Commission.

Payrolls
furnished
department.

Every employer shall keep at his place of business a record of his employment from which the above information may be obtained and such record shall at all times be open to the inspection of the commissioners or the traveling auditors, agents or assistants of the department, as provided in section 6604-15 of Rem. & Bal. Code.

Record of
employment.

Exclusions from payrolls.

In all cases where partners or other persons are excluded on the payroll such statement shall state both the names and occupations of the parties excluded and no such persons shall be entitled to compensation unless notice in writing that such excluded person has been included is received by the department prior to the date of injury to such person. Such employer shall at the time of reporting his payroll also state the names and addresses of any contractor or sub-contractor operating for or under him.

Penalty for failure to make reports.

Every person, firm or corporation who shall fail to keep such record or fail to make such report in the manner and at the time herein provided shall be subject to a penalty of one hundred dollars (\$100.00) for each such offense, to be collected by civil action in the name of the state and paid into the accident fund.

Penalty for failing to furnish payroll.

Every employer who shall fail to furnish an estimated payroll and make payment as above provided shall be liable to a penalty in three times the amount of the premium on such payroll, to be collected in a civil action in the name of the state, and paid into the accident fund. The commission may waive the whole or any part of such penalty.

Payments according to classification.

For the purpose of such payments accounts shall be kept with each industry in accordance with the classification herein provided and no class shall be liable for the depletion of the accident fund from accidents happening in any other class. Each class shall meet and be liable for the accidents occurring in such class. There shall be collected from each class as an initial payment into the accident fund as above specified on or before the 1st day of October, 1911, one-fourth of the premium of the next succeeding year, and one-twelfth thereof at the close of each month after December, 1911: *Provided*, any class having sufficient funds credited to its account

Calls, when omitted.

at the end of the first three months or any month thereafter, to meet the requirements of the accident fund, that class shall not be called upon for such month. In case of accidents occurring in such class after lapsed payment or payments said class shall pay the said lapsed or deferred payments commencing at the first lapsed payment, as may be necessary to meet such requirements of the accident fund. The fund thereby created shall be termed the "accident fund" which shall be devoted exclusively to the purpose specified for it in this act.

Accident fund.

In that the intent is that the fund created under this section shall ultimately become neither more nor less than self-supporting, exclusive of the expense of administration, the rates named in this section are subject to future adjustment by the Industrial Insurance Department, in accordance with any relative increase or decrease in hazard shown by experience, and if in the adjustment of the Industrial Insurance Department the moneys paid into the fund of any class or classes shall be insufficient to properly and safely distribute the burden of accidents occurring therein, the department may divide, rearrange or consolidate such class or classes, making such adjustment or transfer of funds as it may deem proper.

Future adjustment of rates.

It shall be unlawful for the employer to deduct or obtain any part of the premium required by this section to be by him paid from the wages or earnings of his workmen or any of them, and the making or attempting to make any such deduction shall be a gross misdemeanor. The Industrial Insurance Commission shall on or before the 1st day of January, 1920, and annually thereafter make corrections of classifications as between classes of industries if and as experience shall show error or inaccuracy therein. From the original classification or premium rating or any change made therein any

Deductions from wages a misdemeanor.

Correction of classification.

employer claiming to be aggrieved may upon application have a hearing before the Industrial Insurance Commission upon notice to the interested parties and in the manner provided in section 6604-20 a review by the courts. If, at the end of any year, it shall be seen that the contribution to the accident fund by any class of industry shall be less than the drain upon the fund on account of that class, the deficiency shall be made good to the fund on the 1st day of February of the following year by the employers of that class in proportion to their respective payments for the past year.

Fund deficits
to be made
good.

For the purpose of such payment and making good of deficit the particular classes of industry shall be as follows:

Classifica-
tion for
deficit
purposes.

CONSTRUCTION WORK.

Class 1. Tunnels; sewer, shaft sinking; drilling wells.

Class 2. Bridges; mill wrighting; trestles, steeples, towers or grain elevators not metal framed; tanks; water towers; windmills not metal framed.

Class 3. Sub-aqueous works; canal other than irrigation or docks with or without blasting; pile driving; jetties; breakwaters; marine railways.

Class 4. House moving; house wrecking; safe moving.

Class 5. Iron or steel frame structures or parts of structures; fire escapes; erecting fireproof doors or shutters; blast furnaces; concrete chimneys; freight or passenger elevators; fire-proofing of buildings; galvanized iron or tin work; marble, stone or brick work; roof work; slate work; plumbing work; metal smokestacks or chimneys; advertising signs; ornamental metal work in buildings; carpenter work not otherwise specified; marble, stone or tile setting; mantel setting; metal ceiling

work; painting of buildings or structures; concrete laying in floors or foundations; glass setting; building hot houses; lathing; paper hanging; plastering; wooden stair building.

Class 6. Electric light and power plants or systems, telegraph or telephone systems; cable or electric railways with or without rock work or blasting; water works or systems; steam heating plants; gas works or systems; installation of steam boilers or engines; placing wires in conduits; installing dynamos; putting up belts for machinery; installation of automatic sprinklers; covering steam pipes or boilers; installation of machinery not otherwise specified; installing electrical apparatus or fire alarm systems in buildings; house heating or ventilating systems.

Class 7. Steam railroads; logging railroads.

Class 8. Road making; street or other grading; concrete laying in street paving; asphalt laying.

Class 9. Ship or boat building with scaffold; ship wrighting; ship or boat rigging; floating docks.

OPERATIONS (INCLUDING REPAIR WORK) OF

Class 10. Logging; saw mills; shingle mills; lath mills; masts and spars with or without machinery.

Class 12. Dredges; dry or floating docks.

Class 13. Electric light or power plant or systems; steam heat or power plants or systems; electric systems not otherwise specified.

Class 14. Street railways.

Class 15. Telegraph systems; telephone systems.

Class 16. Coal mines.

Class 17. Quarries; stone crushing; mines other than coal.

Class 18. Blast furnaces; smelters; rolling mills.

Class 19. Gas works.

Class 20. Steamboats; tugs; ferries.

Class 21. Grain elevators.

Class 22. Laundries.

Class 23. Water works.

Class 24. Paper or pulp mills.

Class 25. Garbage works; fertilizer.

FACTORIES (USING POWER-DRIVEN MACHINERY).

Class 26. Stamping tin or metal.

Class 27. Bridge work; making steam shovels or dredges; tanks; water towers.

Class 28. Railroad car or locomotive making or repairing.

Class 29. Cooperage; staves; veneer; box; packing cases; sash, door or blinds; barrel; keg; pail; basket; tub; wood-ware or wood fibre ware; kindling wood; excelsior; working in wood not otherwise specified.

Class 30. Asphalt.

Class 31. Cement; stone with or without machinery; building material not otherwise specified.

Class 32. Canneries of fruits or vegetables.

Class 33. Canneries of fish or meat products.

Class 34. Iron, steel, copper, zinc, brass or lead articles in wares; hardware; boiler works; foundries; machine shops not otherwise specified.

Class 35. Tile; brick; terra cotta; fire clay; pottery; earthen ware; porcelain ware.

Class 36. Peat fuel; briquettes.

Class 37. Breweries; bottling works.

Class 38. Cordage; working in wool, cloth, leather, paper, brush, rubber or textile not otherwise specified.

Class 39. Working in foodstuffs, including oils, fruits, vegetables.

Class 40. Condensed milk, creameries.

Class 41. Printing; electrotyping; photo-engraving; engraving; lithographing; making jewelry.

Class 42. Stevedoring; longshoring; wharf operation.

Class 43. Stock yards; packing houses; making soap, tallow, lard, grease; tanneries.

Class 44. Artificial ice, refrigerating or cold storage plants.

Class 45. Theatre stage employes.

Class 46. Fireworks manufacturing; powder works.

Class 47. Creosoting works; pile treating works.

If a single establishment or work comprises several occupations listed in this section in different risk classes, the premium shall be computed according to the payroll of each occupation if clearly separable; otherwise an average rate of premium shall be charged for the entire establishment, taking into consideration the number of employes and the relative hazards. In computing the payroll the entire compensation received by every workman employed in extra hazardous employment shall be included, whether it be in the form of salary, wage, piece work, overtime, or any allowance in the way of profit-sharing, premium or otherwise, and whether payable in money, board, or otherwise.

Premiums for establishment comprising different risks.

SEC. 4. That Section 6604-5 of Rem. & Bal. Code be amended to read as follows:

Section 6604-5. Each workman who shall be injured whether upon the premises or at the plant, or he being in the course of his employment, away from the plant of his employer, or his family or dependents in case of death of the workman, shall receive out of the accident fund compensation in accordance with the following schedule, and, except

Compensation schedule.

as in this act otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever.

COMPENSATION SCHEDULE.

Burial
expenses.

(a) Where death results from the injury the expenses of burial not to exceed seventy-five dollars (\$75.00) in any case where the deceased was an unmarried man, or one hundred dollars in any case where the deceased left a widow or an orphan child or children and

Monthly
payment to
surviving
spouse and
children.

(1) If the workman leaves a widow or invalid widower, a monthly payment of thirty dollars (\$30.00) shall be made throughout the life of the surviving spouse, to cease at the end of the month in which remarriage shall occur, and the surviving spouse shall also receive five dollars (\$5.00) per month for each child of the deceased under the age of sixteen years at the time of the occurrence of the injury until such minor child shall reach the age of sixteen years. An invalid child over sixteen years of age shall be here and in paragraphs (2), (3), and (4) of sub-division (a), and in paragraphs (2) and (3) of subdivision (b), and in subdivision (c) and in paragraphs (1) and (3) but not in paragraph (2) of subdivision (d) considered to be a child under sixteen years of age until such invalid child shall arrive at the age of eighteen years, but the total monthly payment under this paragraph (1) of subdivision (a) shall not exceed fifty dollars (\$50.00): *Provided*, that in addition to the monthly payments above provided for, a surviving widow of any such deceased workman shall be forthwith paid the sum of two hundred and fifty dollars (\$250.00) in any case where the commission shall be satisfied and shall make of record in their office a finding that the burial expenses have not exceeded and shall not exceed the amount above specified for burial ex-

penses; and further, that no part of said additional payment can be diverted to the payment of burial expenses.

Upon remarriage of a widow she shall receive once and for all, a lump sum of two hundred forty dollars (\$240.00), but the monthly payment for the child or children shall continue as before.

Remarriage
of widow.

(2) If the workman leave no wife or husband, but a child or children under the age of sixteen years, a monthly payment of ten dollars (\$10.00) shall be made to each such child until such child shall reach the age of sixteen years, but the total monthly payment shall not exceed forty dollars (\$40.00), and any deficit shall be deducted proportionately among the beneficiaries.

Orphans.

(3) If the workman leaves no widow, widower, or child under the age of sixteen years, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty per cent of the average monthly support actually received by such dependent from the workman during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed twenty dollars (\$20.00) per month. If any dependent is under the age of sixteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent shall reach the age of sixteen years. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

Other de-
pendents.

If the workman is under the age of twenty-one years and unmarried at the time of his death, the parents or parent of the workman shall receive twenty dollars (\$20.00) per month for each month after his death until the time at which he would have arrived at the age of twenty-one years.

Parents of
minor
workman.

Death of
surviving
spouse.

(4) In the event of a surviving spouse receiving monthly payment shall die, leaving a child or children under the age of sixteen years, the sum he or she shall be receiving on account of such child or children shall be thereafter, until such child shall arrive at the age of sixteen years, paid to the child increased 100 per cent, but the total to all children shall not exceed the sum of forty dollars (\$40.00) per month.

Permanent
total
disability
defined.

(b) Permanent total disability means the loss of both legs, or arms, of one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the workman from performing any work at any gainful occupation.

When permanent total disability results from the injury, the workman shall receive monthly during the period of such disability:

Compensa-
tion allow-
ances.

(1) If unmarried at the time of the injury, the sum of thirty dollars (\$30.00).

(2) If the workman have a wife or invalid husband, but no child under the age of sixteen years, the sum of thirty dollars (\$30.00). If the husband is not an invalid, the monthly payment of thirty dollars (\$30.00) shall be reduced to fifteen dollars (\$15.00).

(3) If the workman have a wife or husband and a child or children under the age of sixteen years, or, being a widow or widower, having any such child or children, the monthly payment provided in the preceding paragraph shall be increased by five dollars (\$5.00) for each such child until such child shall arrive at the age of sixteen years, but the total monthly payment shall not exceed fifty dollars (\$50.00).

(4) In case of total permanent disability, if the character of the injury is such as to render the workman so physically helpless as to require the services of a constant attendant, the monthly pay-

ment to such workman shall be increased twenty dollars (\$20.00) per month so long as such requirement shall continue, but such increase shall not obtain or be operative while the workman is receiving care under or pursuant to any of the provisions of section 6604-33 to 6604-46 inclusive.

(c) If the injured workman die, during the period of permanent total disability, whatever the cause of death, leaving a widow, invalid widower, or child under the age of sixteen years, the surviving widow or invalid widower shall receive thirty dollars (\$30.00) per month until death or remarriage, to be increased five dollars (\$5.00) per month for each child under the age of sixteen years until such child shall arrive at the age of sixteen years; but if such child is or shall be without father or mother, such child shall receive ten dollars (\$10.00) per month until arriving at the age of sixteen years. The total combined monthly payments under this paragraph shall in no case exceed fifty dollars (\$50.00). Upon remarriage the payments on account of the child or children shall continue as before to such child or children.

Death of
workman.

An invalid child while being supported and cared for in a state institution shall not receive compensation under this act.

(d) (1) When the total disability is only temporary, the schedule of payment contained in paragraphs (1), (2) and (3) of the foregoing subdivision (b) shall apply, so long as the total disability shall continue, (2) but if the injured workman has a wife or husband and have no child or have a wife or husband with, or being a widow or widower with one or more children under the age of sixteen years, the compensation for the case during the first six months or such lesser period of time as the total temporary disability shall continue, shall be per month as follows, to-wit: Injured workman whose

Temporary
total
disability.

husband is not an invalid, twenty-two and 50/100 dollars (\$22.50); injured workman having one child, whose husband is not an invalid, thirty dollars (\$30.00); injured workman having two children, whose husband is not an invalid, thirty-seven and 50/100 dollars (\$37.50); injured workman having three children, whose husband is not an invalid, forty-five dollars (\$45.00); injured workman having four or more children, whose husband is not an invalid, fifty-two and 50/100 dollars (\$52.50); injured workman with wife or invalid husband and no child, thirty-seven and 50/100 dollars (\$37.50); injured workman with a wife or invalid husband and one child, or being a widow or widower and having one child, forty-five dollars (\$45.00); injured workman with a wife or invalid husband and two or more children, or being a widow or widower and having two or more children, fifty-two and 50/100 dollars (\$52.50). (3) If such temporary total disability shall endure longer than said six months' period, the schedule of compensation contained in paragraphs (1), (2), and (3) of the foregoing sub-division (b) shall at the end of said six months' period again obtain. (4) As soon as recovery is so complete that the present earning power of the workman, at any kind of work, is restored to that existing at the time of the occurrence of the injury the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable out of the accident fund unless the loss of earning power shall exceed five per cent.

(e) There is hereby created in the office of the state treasurer a fund to be known and designated as the reserve fund out of which shall be made the payments specified in this section for all cases of

death or permanent total disability including future payments to be made for the cases of that character which have heretofore arisen. Into the reserve fund there shall be forthwith placed all unexpended funds, in cash or invested, heretofore set aside for cases requiring a reserve. For every case resulting in death or permanent total disability hereafter arising it shall be the duty of the department to make transfer on their books from the accident fund of the proper class to the reserve fund of that class a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this section provided to be made for the case. Such annuities shall be based upon tables to be prepared for that purpose by the state insurance commissioner and by him furnished to the state treasurer, calculated upon standard mortality tables with an interest assumption of four (4) per cent per annum.

Transfers
from acci-
dent fund.

The department shall notify the state treasurer from time to time of such transfers as a whole and the state treasurer shall invest the reserve in either state capitol building bonds issued to take up capitol building warrants now outstanding, or in the class of securities provided by law for the investment of the permanent school fund, and the interest or other earnings of the reserve fund shall become a part of the reserve fund itself. The department shall, on October 1st of each year, apportion the interest or other earnings of the reserve fund as certified to it by the state treasurer, to the various class reserve funds according to the average class balance for the preceding year. As soon as possible after October 1st, of each year beginning in the year 1918, the state insurance commissioner shall expert the reserve fund of each class to ascertain its standing as of October 1st, of that year, and the

Investment
of reserve
fund.

relation of its outstanding annuities at their then value to the cash on hand or at interest belonging to that fund. He shall promptly report the result of his examination to the department and to the state treasurer in writing not later than December 31st. If the report show that there was on said October 1st, in the reserve fund of any class in cash or at interest a greater sum than the then annuity value of the outstanding pension obligations of that class, the surplus shall be forthwith turned over to the accident fund of that class, but if the report show the contrary condition of any class reserve, the deficiency shall be forthwith made good out of the accident fund of that class. The state treasurer shall keep accurate account of the reserve fund and the investment and earnings thereof, to the end that the total reserve funds shall at all times, as near as may be, be properly and fully invested, and to meet current demands for pension or lump sum payments may, if necessary, make temporary loans to the reserve fund out of the accident funds for that class, repaying same from the earnings of that reserve fund or from collections of its investments, or, if necessary, sales of the same.

Permanent partial disability.

(f) Permanent partial disability means the loss of either one foot, one leg, one hand, one arm, one eye, one or more fingers, one or more toes, any dislocation where ligaments were severed where repair is not complete, or any other injury known in surgery to be permanent partial disability. For the permanent partial disabilities here specifically described, the injured workman shall receive compensation as follows:

- Loss of one leg amputated so near the hip
that an artificial limb cannot be worn. . \$2,000.00
- Loss of one leg at or above the knee so that
an artificial limb can be worn. \$1,900.00

Loss of one leg below the knee.....	\$1,300.00
Loss of the major arm at or above the elbow	\$1,900.00
Loss of the major hand at wrist.....	\$1,600.00
Loss of one eye by enucleation.....	\$1,200.00
Loss of sight of one eye.....	\$ 900.00
Complete loss of hearing in both ears.....	\$1,900.00
Complete loss of hearing in one ear.....	\$ 500.00

Compensation for any other permanent partial disability shall be in the proportion which the extent of such other disability shall bear to that permanent partial disability above specified which most closely resembles and approximates in degree of disability such other disability, but not in any case to exceed the sum of two thousand dollars (\$2,000.00). If the injured workman be under the age of twenty-one years and unmarried, the parents or parent shall also receive a lump sum payment equal to ten per cent of the amount awarded the minor workman.

(g) Should a further accident occur to a workman who has been previously the recipient of a lump sum payment under this act, his future compensation shall be adjudged according to the other provisions of this section and with regard to the combined effect of his injuries, and his past receipt of money under this act.

Further injuries.

Should such further accident result in the permanent total disability of such injured workman, he shall receive the pension to which he would be entitled notwithstanding the payment of a lump sum for his prior injury.

(h) If aggravation, diminution, or termination of disability takes place or be discovered after the rate of compensation shall have been established or compensation terminated, in any case the department may, upon the application of the beneficiary

Readjustment of compensation.

or upon its own motion, readjust for further application the rate of compensation in accordance with the rules in this section provided for the same, or in a proper case terminate the payment.

Abandoned spouse.

(i) A husband or wife of an injured workman, living in a state of abandonment for more than one year at the time of the injury or subsequently, shall not be a beneficiary under this act.

Payment on removal from state.

(j) If a beneficiary shall reside or remove out of the state the department may, in its discretion, convert any monthly payments provided for such case into a lump sum payment (not in any case to exceed the value of the annuity then remaining, to be fixed and certified by the state insurance commissioner, but in no case to exceed the sum of \$4,000.00) or, with the consent of the beneficiary, for a smaller sum.

Venue for court reviews.

(k) Any court review under this section shall be initiated in the county where the workman resides or resided at the time of the injury, or in which the injury occurred.

Compensation for week following injury.

(l) No workman injured after June 30th, 1917, shall receive or be entitled to receive compensation out of the accident fund for or during the day on which his injury was received or the seven days following the same, but if at the end of thirty days following the day of the receipt of his injury his incapacity shall still exist, there shall be included in the next payment to him out of the accident fund compensation for said omitted period.

SEC. 5. That section 6604-6 of Rem. & Bal. Code be amended to read as follows:

Self-inflicted injuries.

Section 6604-6. If injury or death results to a workman from the deliberate intention of the workman himself to produce such injury or death, neither the workman nor the widow, widower, child or dependent of the workman shall receive any payment whatsoever out of the accident fund. If injury or

death result to a workman from the deliberate intention of his employer to produce such injury, or death, the workman, the widow, widower, child or dependent of the workman shall have the privilege to take under this act, and also have cause of action against the employer, as if this act had not been enacted, for any excess of damages over the amount received or receivable under this act.

Intentional
injury by
employer.

A minor working at an age legally permitted under the laws of this state shall be deemed *sui juris* for the purpose of this act, and no other person shall have any cause of action or right to compensation for an injury to such minor workman except as expressly provided in this act, but in the event of a lump sum payment becoming due under this act to such minor workman, the management of the sum shall be within the probate jurisdiction of the courts the same as other property of minors: *Provided*, that in the event it is necessary to procure the appointment of a guardian to receive the money to which any minor workman is entitled under the provisions of this act, the commission may allow from the accident fund, toward the expenses of such guardianship, not to exceed the sum of twenty-five dollars (\$25.00) in any one case: *Provided, further*, that in case any such minor shall be awarded a lump sum payment of the sum of two hundred fifty dollars (\$250.00) or less, the industrial insurance commission shall have power, in its discretion, to make payment direct to such minor without the necessity of the appointment of a guardian.

Minors.

SEC. 6. That section 6604-10 of Rem. & Bal. Code be amended to read as follows:

Section 6604-10. No money paid or payable under this act out of the accident fund shall, prior to issuance and delivery of the warrant therefor, be capable of being assigned, charged, nor ever be

Exemption
of awards.

Payments
when death
ensues from
other causes.

taken in execution or attached or garnisheed, nor shall the same pass to any other person by operation of law. Any such assignments or charge will be void: *Provided*, that if any workman shall suffer a permanent partial injury, and shall die from some other cause than the accident which produced such injury before he shall have received payment of his award for such permanent partial injury, or if any workman shall suffer any other injury and shall die from some other cause than the accident which produced such injury before he shall have received payment of any monthly installment covering any period of time prior to his death, the amount of such permanent partial award, or of such monthly payment or both, shall be paid to his widow, if he leave a widow, or to his child or children if he leave a child or children and shall not leave a widow, *provided* if the injured workman shall have resided in the United States as long as three years such payment will not be made to any widow or child who is at the time a non-resident of the United States.

Alien bene-
ficiaries.

If any beneficiary shall reside without the United States and shall so direct in writing, the commission may cause any warrant or warrants to which such beneficiary is entitled to be issued in the name of and delivered to the consul or consular agent of the country in which such beneficiary is resident, designated by such beneficiary.

SEC. 7. That section 6604-22 of Rem. & Bal. Code be amended to read as follows:

Salary and
expenses
of com-
missioners.

Section 6604-22. The salary of each of the commissioners shall be forty-two hundred dollars (\$4,200.00) per annum, and he shall be allowed his actual and necessary traveling and incidental expenses; and any assistant to the commissioners shall be paid for each full day's service rendered by him, his actual and necessary traveling expenses and

such compensation as the commission may deem proper. Each commissioner shall give a surety company bond in the sum of twenty-five thousand dollars (\$25,000.00) payable to the State of Washington, conditioned upon the faithful performance of his duties, and the person designated by the said commission as claim agent shall give a surety company bond in the sum of twenty thousand dollars (\$20,000.00) payable to the State of Washington, conditioned upon the faithful performance of his duties.

Surety
bonds.

SEC. 8. That section 6604-23 of Rem. & Bal. Code be amended to read as follows:

Section 6604-23. The commissioners may appoint a sufficient number of auditors and assistants to aid them in the administration of this act and fix the compensation of such auditors and assistants at a total expense of not to exceed one hundred twenty thousand dollars (\$120,000.00) per year. They may employ one or more physicians in each county for the purpose of official medical examinations, whose compensation shall be limited to five dollars (\$5.00) for each examination and report therein. They may procure such record books as they may deem necessary for the record of the financial transactions and statistical data of the department, and the necessary documents, forms and blanks. They may establish and require all employers to install and maintain a uniform form of payroll.

Assistants
and
physicians.

Records.

SEC. 9. For all cases of injuries to workmen which occurred before this act shall go into effect Sections 6604-3, 6604-5, 6604-6, and 6604-10 shall continue in force as they were prior to and they shall be unaffected by the passage of this amendatory act. The amendatory provisions of sections 2, 4, 5, and 6 of this act shall apply only to injuries occurring after they shall go into effect.

Application
of amendatory
act.

Emergency. SEC. 10. This act is necessary for the immediate preservation of the public health and safety and shall take effect immediately.

Passed the House, March 3, 1919.

Passed the Senate, March 10, 1919.

Approved by the Governor March 15, 1919.

CHAPTER 132.

[H. B. 48.]

CARNAL ABUSE OF MINOR CHILDREN.

AN ACT relating to carnal knowledge and abuse of children, prescribing penalties therefor, and amending section 2436 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 2436 of Rem. & Bal. Code be amended to read as follows:

Penalties. Section 2436. Every male person who shall carnally know and abuse any female child under the age of eighteen years, not his wife, and every female person who shall have sexual intercourse with any male child under the age of eighteen years, not her husband, shall be punished as follows:

(1) When such child is under the age of ten years, by imprisonment in the state penitentiary for life;

(2) When such child is ten and under fifteen years of age, by imprisonment in the state penitentiary for not less than five years;

(3) When such child is fifteen and under eighteen years of age, by imprisonment in the state penitentiary for not more than ten years, or by impris-