

Provided, That in no event shall the per diem for such work exceed ten days in any one calendar month: *And provided further*, That said official reporter shall be allowed at least ten days' per diem for his services as reporter and amanuensis in each calendar month that the court where he is appointed is in session.

Passed the House January 28, 1919.

Passed the Senate February 11, 1919.

Approved by the Governor March 3, 1919.

CHAPTER 67.

[H. B. 47.]

COMPENSATION OF INJURED RAILWAY AND MARITIME WORKMEN.

AN ACT relating to the compensation of injured workmen and their dependents, providing for the liability of employers in certain cases, amending section 6604-18 of and adding sections 6604-18a and 6604-18b to Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 6604-18 of Rem. & Bal. Code be amended to read as follows:

Section 6604-18. Inasmuch as it has proved impossible in the case of employes engaged in maintenance and operation of railways doing interstate, foreign and intrastate commerce, and in maintenance and construction of their equipment, to separate and distinguish the connection of such employes with interstate or foreign commerce from their connection with intrastate commerce, and such employes have, in fact, received no compensation under this act, the provisions of this act shall not apply to work performed in the maintenance and

Intrastate and interstate railway employes.

operation of such railroads or performed in the maintenance or construction of their equipment, or to the employes engaged therein, but nothing herein shall be construed as excluding from the operation of this act railroad construction work, or the employes engaged thereon: *Provided, however,* That common carriers by railroad engaged in such interstate or foreign commerce and in intrastate commerce shall, in all cases where liability does not exist under the laws of the United States, be liable in damages to any person suffering injury while employed by such carrier, or in case of the death of such employe to his surviving wife and child, or children, and if no surviving wife or child or children, then to the parents, sisters, or minor brothers, residents of the United States at the time of such death, and who were dependent upon such deceased for support, to the same extent and subject to the same limitations as the liability now existing, or hereafter created, by the laws of the United States governing recoveries by railroad employes injured while engaged in interstate commerce: *Provided further, however,* That if any interstate common carrier by railroad shall also be engaged in one or more intrastate enterprises or industries (including street railways and power plants) other than its railroad, the foregoing provisions of this section shall not exclude from the operation of the other sections of this act or bring under the foregoing proviso of this section any extra hazardous work of such other enterprise or industry, the payroll of which may be clearly separable and distinguishable from the payroll of the maintenance or operation of such railroad, or of the maintenance or construction of its equipment.

Liability
in absence
of Federal
legislation.

State indus-
tries of
interstate
carriers.

SEC. 2. That there be added to Rem. & Bal. Code a new section, to be known as section 6604-18a, as follows:

Application
of act to
maritime
occupations.

Section 6604-18a. The provisions of this act shall apply to employers and workmen engaged in maritime works or occupations only in cases where and to the extent that the payroll of such workmen may and shall be clearly separable and distinguishable from the payroll of workmen employed under circumstances in which a liability now exists or may hereafter exist in the courts of admiralty of the United States: *Provided*, That as to workmen whose payroll is not so clearly separable and distinguishable, the employer shall in all cases be liable in damages for injuries to the same extent and under the same circumstances as is specified in the case of railroads in the first proviso of section 6604-18.

SEC. 3. That there be added to Rem. & Bal. Code a new section, to be known as section 6604-18b, as follows:

Applicability
of act to in-
trastate and
interstate
commerce.

Section 6604-18b. The provisions of this act shall apply to employers and workmen (other than railways and their workmen) engaged in intrastate and also in interstate or foreign commerce, for whom a rule of liability or method of compensation now exists under or may hereafter be established by the congress of the United States, only to the extent that the payroll of such workmen may and shall be clearly separable and distinguishable from the payroll of workmen engaged in interstate or foreign commerce: *Provided*, That as to workmen whose payroll is not so clearly separable and distinguishable, the employer shall in all cases be liable in damages for injuries to the same extent and under the same circumstances as is specified in the case of railroads in the first proviso of section 6604-18.

Passed the House January 31, 1919.

Passed the Senate February 26, 1919.

Approved by the Governor March 3, 1919.