

CHAPTER 110.

[S. B. 238.]

REFUNDS AND OVERCHARGES BY PUBLIC SERVICE
COMPANIES.

AN ACT relating to refunds of overcharges made by public service companies, as defined in chapter 117 of the Laws of 1911, and declaring that this act shall take effect immediately.

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

Powers and
duties of di-
rector of
public works.

SECTION 1. That the director of public works shall have power and it shall be his duty, upon complaint in writing being made to him, to determine the amount of overcharge made and refund due in all cases where any public service company, as defined in chapter 117 of the Laws of 1911, charges an amount for any service rendered in excess of the lawful rate in force at the time such charge was made, or which may thereafter be declared to be the legal rate which should have been applied to the service rendered, and to determine to whom the overcharge should be paid: *Provided*, That this act shall not apply to controversies arising in relation to contracts in existence prior to the taking effect of said chapter 117 of the Laws of 1911.

Judgment
for over-
charge.

SEC. 2. Upon determining the amount of overcharge due from any such public service company, the director of public works may, if he deem it necessary to insure the prompt payment of the same to him, render judgment against such public service company for the amount of such overcharge. From and after the time that a transcript of said judgment is filed with and recorded and indexed by the county auditor as instruments relating to real and personal property are filed, recorded and indexed, it shall be a lien against all real and personal property of such public service company located in the county

in which such transcript is filed, recorded and indexed. Such judgment may be enforced by execution and sale through the sheriff of any county in which is found any real or personal property belonging to such public service company, said execution to be delivered to the sheriff by the director of public works and the execution to be levied and the sale made by the sheriff in the same manner as levies and sales are made on judgments of the superior court.

Collection.

SEC. 3. All refunds collected by the director of public works under this act shall immediately be paid to the person, firm or corporation entitled thereto less a fee of ten per cent on the amount collected, which shall be charged by the director of public works, deducted by him and paid into the public service revolving fund of the state treasury.

Payment of
refunds col-
lected.

SEC. 4. All refunds collected by the director of public works and which at the expiration of two years are unclaimed, or which he is unable to deliver to the person entitled thereto, shall be paid by the director of public works into the public service revolving fund of the state treasury.

Unclaimed
refunds.

SEC. 5. The director of public works shall have power to make rules and regulations for carrying out the provisions of this act.

Rules and
regulations.

SEC. 6. Hearings to determine the amount of any refund due under this act shall be held in the same manner, the same procedure followed, and judgments and orders subject to review and appeal in the courts as is provided for hearings, procedure, reviews and appeals in matters before the public service commission of Washington under the provisions of chapter 117 of the Laws of 1911.

Hearings
and proced-
ure.

SEC. 7. The public service commission of Washington shall exercise all the powers and perform all the duties by this act vested in, and required to be performed by the director of public works, until such

Powers and
duties con-
ferred.

time as such officer shall be appointed, qualify, assume and exercise the duties of his office.

Emergency. SEC. 8. This act is necessary for the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 3, 1921.

Passed the House March 7, 1921.

Approved by the Governor March 17, 1921.

CHAPTER 111.

[H. B. 160.]

TRANSPORTATION BY MOTOR VEHICLES.

AN ACT providing for the additional supervision and regulation of the transportation of persons, and property for compensation over any public highway by motor propelled vehicle: Defining transportation companies and providing for additional supervision and regulation thereof by the public service commission, providing for the enforcement of the provisions of this act and for the punishment of the violations thereof.

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

Definitions. SECTION 1. (a) The term "Corporation" when used in this act means a corporation, company, association, or joint stock association.

(b) The term "person" when used in this act means an individual, a firm or a co-partnership.

(c) The term "Commission" when used in this act means the Public Service Commission of the State of Washington, or the Director of Public Works or such other board or body as may succeed to the powers and duties now held by the Public Service Commission.

(d) The term "Auto transportation company" when used in this act means every corporation or person, their lessees, trustees, receivers or trustees