

## CHAPTER 182.

[S. H. B. 178.]

RELATING TO COMPENSATION AND MEDICAL AID OF  
INJURED WORKMEN.

AN ACT relating to the compensation and medical and surgical care of workmen injured in extra hazardous employment, and amending sections 6604-2- 6604-3, 6604-8, 6604-10, 6604-12, 6604-17, 6604-24, 6604-33, 6604-35, 6604-45, 6604-107, 6604-108, and 6604-109 of and adding sections 6604-4A, 6604-4B, and 6604-95A to and repealing sections 6604-96, 6604-98, 6604-99 and 6604-100 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 Remington & Ballinger's Annotated Codes and Statutes of Washington 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 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 shipbuilding operations; logging, street and interurban railroads; buildings being constructed, repaired, moved or demolished; telegraph, telephone, electric

Extra  
hazardous  
employ-  
ments.

light or power plants or lines, steam heating or power plants, steamboats, tugs, ferries and railroads; general warehouse and storage; transfer, drayage and hauling; warehousing and transfer; fruit warehouse and packing houses. 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 director of labor and industries through and by means of the division of industrial insurance shall have power, after hearing had upon its own motion, or upon the application of any party interested, to declare any occupation or work to be extra hazardous and to be under this act. The director of labor and industries 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 any order issued by the director of labor and industries 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 director of labor and industries 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.

SEC. 2. That section 6604-3 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Definitions.

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

mean undertaking 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 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 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 means any mine where coal, clay, ore, mineral, gypsum or rock is dug or mined underground. 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, 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 or who contracts with another to engage in extra-hazardous work. 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 actually 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.

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 director of labor and industries 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. 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-brothers, niece, nephew, who at the time of the accident are dependent in whole or in part for their support upon the earnings of the workman. 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. Invalid means one who is physically or mentally incapacitated from earning. The word "child" as used in this act, includes a posthumous child, a step-child, a child legally adopted prior to the injury, and an illegitimate child legitimated prior to the injury. 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. The term "educational standard" shall mean such standards as the supervisor of safety shall make for the purpose of educating and training both employer and workman in the appreciation and avoidance of danger, and in the maintenance and proper use of safe place and safety device standards.

SEC. 3. That there be added to Remington & Ballinger's Annotated Codes and Statutes of Washington a new section to be known as section 6604-4A as follows:

Temporary employer.

Section 6604-4A. Every employer who after June 30th, 1921, shall for the first time since June 30th, 1918, engage in any extra-hazardous work shall be known as a temporary employer, and shall remain so for the period of one year following the commencement of such work. Each temporary employer shall contribute to the accident fund on the basis of the class rate for the class or class subdivision to which he shall belong increased 33 1/3 per cent. At the end of the first year of his operations he shall cease to be a temporary employer if he has paid his aforesaid contribution into the accident fund. In each case where the accident cost to the fund for the first year's operations of any temporary employer, who shall so cease to be a temporary employer, shall not exceed his contribution, the said 33 1/3 per cent increase shall be refunded or credited to him out of the accident fund.

SEC. 4. That there be added to Remington & Ballinger's Annotated Codes and Statutes of Washington a new section to be known as section 6604-4B, as follows:

County assessor to make annual list of employers.

Section 6604-4B. It shall be the duty of the county assessor in each of the counties of the state each year to make a list upon blanks to be furnished by the industrial insurance department of all employers within his county who are engaged in extra-hazardous industries as defined by this act, and to forward such list of extra-hazardous employments and industries to the industrial insurance department on or before the first day of May of each and every year.

SEC. 5. That section 6604-8 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-8. If any employer shall default in any payment to the accident fund or the medical aid fund, the sum due shall be collected by action at law in the name of the state as plaintiff, and such right of action shall be in addition to any other right of action or remedy. If such default be after demand, there shall also be collected a penalty equal to twenty-five per centum of the amount of the defaulted payment or payments, and the commission may require from the defaulting employer a bond to the state for the benefit of the accident and medical aid funds, with surety to their satisfaction, in the penalty of double the amount of the estimated payments which will be required from such employer into the said funds for and during the ensuing one year, together with any penalty or penalties incurred. In case of refusal or failure after written demand personally served to furnish such bond, the state in an action brought by the attorney general in its name shall be entitled to an injunction restraining such delinquent from prosecuting an extra-hazardous occupation or work until such bond shall be furnished, and until all delinquent premiums, penalties, interest and costs are paid, conditioned for the prompt and punctual making of all payments into said funds during said periods, and any sale, transfer or lease attempted to be made by such delinquent during the period of any of the defaults herein mentioned, of his works, plant or lease thereto shall be invalid until all part delinquencies are made good, and such bond furnished. All actions for the recovery of such payments shall be brought in the superior court. In all cases of insolvency, receivership, assignment for the benefit of creditors, and bankruptcy, the claim of the

Vetoed  
L. F. H.

state for premiums, penalties, interest and costs, arising under this act shall be prior to all other claims except taxes, costs and expenditures ordered by the court, and laborer's liens, and it shall be the duty of the receiver, assignee for the benefit of creditors and administrator or executor to notify the industrial insurance department of such receivership, assignment or probate proceedings within thirty days from the date of their appointment and qualification and to obtain proof of service of such notification. In any action or proceeding brought for the recovery of payments due upon the payroll of an employer, the certificate of the industrial insurance department that an audit has been made of the payroll of such employer pursuant to the direction of the department and of the amount of such payroll for the period stated in the certificate shall be *prima facie* evidence of such fact.

Vetoed  
L. F. H.

SEC. 6. That section 6604-10 of Remington & Ballinger's Annotated Codes and Statutes of Washington 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 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

Exemption  
of awards.



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. Except as otherwise provided by treaty, whenever under the provisions of this act, compensation is payable to a beneficiary or dependent who is an alien not residing in the United States, the commission shall pay fifty per centum of the compensation herein otherwise provided to such beneficiary or dependent. But if a non-resident alien, beneficiary or dependent is a citizen of a government having a compensation law which excludes citizens of the United States either resident or non-resident, from partaking of the benefit of such law in as favorable a degree as herein extended to non-resident aliens, he shall receive no compensation. Proof of dependency by any beneficiary or dependent residing without the United States shall be made before the nearest (United States) consul or consular agent under the seal of such consul or consular agent and the department may cause any warrant or warrants to which such beneficiary or dependent is entitled to be transmitted to the beneficiary or dependent through the nearest (United States) consul or consular agent.

Compensation to alien beneficiary.

SEC. 7. That section 6604-12 of Remington & Ballinger's Codes and Statutes of Washington be amended to read as follows:

Section 6604-12. (a) Where a workman is entitled to compensation under this act he shall file with the department his application for such, together with the certificate of the physician who

Application for compensation.

attended him, and it shall be the duty of the physician to inform the injured workman of his rights under this act and to lend all necessary assistance in making this application for compensation and such proof of other matters as required by the rules of the department without charge to the workman.

(b) Where death results from injury the parties entitled to compensation under this act, or some one in their behalf, shall make application for the same to the department, which application must be accompanied with proof of death and proof of relationship showing the parties to be entitled to compensation under this act, certificates of attending physician, if any, and such other proof as required by the rules of the department.

(c) If change of circumstances warrant an increase or re-arrangement of compensation, like application shall be made therefor. No increase or re-arrangement shall be operative for any period prior to application therefor.

(d) No application shall be valid or claim thereunder enforceable unless filed within one year after the day upon which the injury occurred or the right thereto accrued.

(e) Any physician who fails, neglects or refuses to file a report with the industrial insurance department as required by this act within ten days of the date of treatment, showing the condition of the injured workman at the time of treatment, a description of the treatment given, and an estimate of the probable duration of the injury, or who fails or refuses to render all necessary assistance to the injured workman as required in this act, shall be guilty of a misdemeanor.

SEC. 8. That section 6604-17 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-17. Whenever the state, county, any municipal corporation or other taxing district shall engage in any extra-hazardous work, or let a contract therefor, in which workmen are employed for wages, this act shall be applicable thereto. The employer's payments into the accident fund shall be made from the treasury of the state, county, municipality or other taxing district. If said work is being done by contract, the payroll of the contractor and the sub-contractor shall be the basis of computation and in the case of contract work consuming less than one year in performance the required payment into the accident fund shall be based upon the total payroll. The contractor and any sub-contractor shall be subject to the provisions of the act, and the state for its general fund, the county, municipal corporation or other taxing district shall be entitled to collect from the contractor the full amount payable to the accident fund, and the contractor, in turn, shall be entitled to collect from the sub-contractor his proportionate amount of the payment. Whenever and so long as, by state law, city charter or municipal ordinance, provision is made for municipal employees injured in the course of employment, such employees shall not be entitled to the benefits of this act and shall not be included in the payroll of the municipality under this act. The provisions of this act shall apply to all extra-hazardous work done by contract; the employer who lets a contract for such extra-hazardous work shall be responsible primarily and directly to the accident fund for the proper percentage of the total payroll of the work. The contractor and any sub-contractor shall be subject to the provisions of this act, and the employer shall be entitled to collect from the contractor the full amount payable to the accident fund, and the contractor in turn shall be entitled to collect from the sub-contractor his proportionate amount of the payment.

Public and  
contract  
work.

SEC. 9. That section 6604-24 of Remington & Ballinger's Annotated Codes and Statutes of Washington shall be amended to read as follows:

Management  
and  
supervision.

Section 6604-24. The director of labor and industries shall, in accordance with the provisions of this act:

1. Establish and promulgate rules governing the administration of this act.

2. Ascertain and establish the amounts to be paid into and out of the accident fund.

3. Regulate the proof of accident and extent thereof, the proof of death and the proof of relationship and the extent of dependency.

4. Supervise the medical, surgical and hospital treatment to the intent that same may be in all cases efficient and up to the recognized standard of modern surgery.

5. Issue proper receipts for moneys received, and certificates for benefits accrued and accruing.

6. Investigate the cause of all serious injuries and report to the Governor from time to time any violations or laxity in performance of protective statutes or regulations coming under the observation of the department.

7. Create a division of statistics within which shall be compiled such statistics as will afford reliable information upon which to base operations of all divisions under said department.

8. Make annual report to the Governor (one of them not more than sixty nor less than thirty days prior to each regular session of the Legislature) of the workings of the department, and showing the financial status and the outstanding obligations of the accident fund, and the statistics aforesaid.

SEC. 10. That section 6604-33 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-33. It is the intent to require the industries of the state to furnish medical, surgical and hospital care to their injured workmen and to place the expense thereof upon each industry and upon each establishment in such industry as near as may be in the proportion in which it produces injury and creates expense. To this end the division of industrial insurance shall divide the industries of the state into five classes representing five degrees in the causation of injury and consequent expense for the medical, surgical and hospital care thereof, and said classes to be designated respectively, class A, class B, class C, class D, class E. The industries shall be distributed into these classes as follows: In class C, those industries which produce nearest the average degree of causation and expense; in class A, those which produce nearest one-half of such average; in class B, those which produce nearest three-fourths of such average; in class D, those which produce one and one-fourth times such average; in class E, those which produce nearest one and one-half times such average. The director of labor and industries through and by means of the division of industrial insurance shall annually, before January 1st of each year, fix for the ensuing year, the rate which each firm shall pay into the medical aid fund, which rate may be increased or decreased, based upon the cost experience of such firm for the preceding year, within the limits of payment now existing as follows: When the accident cost to the medical aid fund of an employer be not less than 76% or more than 90% of his contribution his medical aid rate shall remain the same. When the accident cost to the medical aid fund of an employer be not less than 51% nor more than 76% of his contribution his medical aid rate shall be reduced to the next lower rate. When the accident cost to the medical aid fund of an employer be not

Classifica-  
tion of  
industries  
for medical  
aid.

less than 26% nor more than 51% of his contribution his medical aid rate shall be reduced to the second next lower rate. When the accident cost to the medical aid fund of an employer be not less than 90% nor more than 125% of his contribution his medical aid rate shall be increased to the next higher rate. When the accident cost to the medical aid fund of an employer be more than 125% of his contribution his medical aid rate may be advanced to the second next higher class.

That for the purpose of carrying out the intent of this section in merit rating and penalizing of those industries and employers in classes D and E, there be created two additional classes designated respectively as class F and class G. In class F shall be distributed those industries which produce nearest one and three-fourth times the average degree of causation and expense; in class G, those which produce nearest two times such average. Those industries and employers in classes D and E who shall be penalized as provided in this section shall be placed in class F or class G respectively for the ensuing year, as herein otherwise provided for the re-rating of classes A, B, C, D and E.

In no case shall the reduction in one year be greater than two classes and in no case shall the advance in one year be greater than two classes: *Provided*, That the annual re-rating directed herein shall not apply to establishments under contract with physicians, surgeons or owners of hospitals operating the same while such contract is in effect. From the original classification or any change made therein any employer or workman claiming to be aggrieved may upon application, have a hearing before the division of the industrial insurance upon notice to the interested parties and in the manner provided in section 6604-20, a review by the courts. The body of

interested workmen may designate in writing in duplicate one of them to be the recipient of service upon all of them, one copy to be posted for local convenience, and the other to be filed with the secretary of the supervisor of industrial insurance. In default of any such designation, service upon any one workman other than the one instituting a complaint shall be service upon all.

SEC. 11. That section 6604-35 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-35. Upon the occurrence, after June 30, 1917, of any injury to a workman entitled to compensation under the provisions of said section 6604, he shall receive in addition to such compensation, and out of the medical aid fund, proper and necessary medical and surgical services, at the hands of a physician of his own choice if conveniently located, and proper and necessary hospital care and services during the period of his disability from such injury, but the same shall be limited in point of duration as follows:

Medical and surgical aid, hospital care and transportation.

In case of permanent partial disability not to extend beyond the date when compensation shall be awarded him out of the accident fund, in case of temporary disability not to extend beyond the time when the monthly allowances to him out of the accident fund shall cease, in case of a permanent total disability not to extend beyond the date on which a lump sum settlement is made with him or he is placed upon the permanent pension roll. But after any injured workman shall have returned to his work his medical and surgical treatment may be continued at the expense of the medical aid fund, if and as long as, such continuation is deemed by the supervisor of industrial insurance to be necessary to his more complete recovery. In order to authorize such continued

treatment in any case the written order of the supervisor of industrial insurance issued in advance of the continuation shall be necessary. Every employer, who employs less than fifty workmen, shall keep at his plant a first aid kit equipped as required by the state board with materials for first aid to his injured workmen. Every employer, who employs within a radius of one-half mile of any plant or establishment fifty or more workmen, shall keep there one first aid station equipped as required by the state board with materials for first aid to his injured workmen. The maintenance of such first aid kits and stations shall be deemed to be a part of any educational standards established under the provisions of sections 6604-55 and 6604-57. When the injury to any workman is so serious as to require his being taken from the place of injury to a place of treatment, his employer shall, at his own expense and without charge against the medical aid fund, furnish transportation to the nearest place of proper treatment. Every workman whose injury shall result in the loss of limb or eye shall be once provided by the supervisor of industrial insurance at the expense, not to exceed the sum of one hundred sixty-five dollars (\$165.00) in any case, of the accident fund, out of which his compensation shall come, an artificial substitute. Every workman, who shall suffer a penetrating wound of the cornea producing an error of refraction, shall be once provided at the expense of the accident fund, out of which his compensation shall come, proper and properly equipped lenses to correct such error of refraction and his disability rating shall be based upon the corrected result. A workman, whose injury is of such short duration as to bring him within the provisions of subdivision L of section 6604-5, shall nevertheless receive during the omitted period, medical, surgical and hospital care and service and transportation under the provisions of this section.



SEC. 12. That section 6604-45 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-45. Any contract made in violation of this act shall be invalid, except that any employer engaged in extra-hazardous work may, with the consent of a majority of his workmen, enter into written contracts with physicians, surgeons and owners of hospitals operating the same, or with hospital associations, for medical, surgical and hospital care to workmen injured in such employment by and under the control and administration of and at the direct expense of the employer and his workmen. Such a contract shall not be assignable or transferable by operation of law or otherwise except with the consent of the supervisor of industrial insurance endorsed thereon. Before any such contract shall go into effect it shall be submitted to the supervisor of industrial insurance, and may be disapproved by the supervisor of industrial insurance when found not to provide for such care of injured workmen as is contemplated by the provisions of section 6604-36, and if a contract so submitted be with the owners of a hospital operating the same, or with a hospital association, the supervisor of industrial insurance shall have power to disapprove the same if in his judgment the ownership or management of such hospital or hospital association will not be such as to produce satisfactory service. Any such contract with physician, surgeon, or owner and operator of a hospital, or with a hospital association, so disapproved shall not be valid. Otherwise it shall be approved and take and continue in effect for any period of time specified therein, not exceeding three years from date of such approval: *Provided, however,* That the director of labor and industries through the division of industrial insurance may before approving

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contracts  
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aid, etc.

any such contract require the giving by any physician, surgeon, hospital or hospital association of a bond in such sum and in such form, as the director may determine conditioned against any abandonment of such contract. Every such contract to be valid must provide that the expenses incident to it shall be borne one-half by the employer and one-half by such employees, and that it shall be administered by the two interests jointly and equally. So long as such contract shall be in effect the subject matter of the contract shall (except as in this section otherwise specified) be outside of and not affected by the provisions of sections 6604-33 to 6604-44 inclusive, and section 6604-46, other than the provisions of section 6604-35 relating to artificial substitutes and lenses and the basis of compensation when lenses supplied, and to transportation of injured workmen, and to educational standards of safety, and other than the provisions of section 6604-40 relating to the analyses and reports of accidents, and the employer shall pay monthly into the medical aid fund ten per centum of the amount he would have been required to pay in that month if such contract had not been made, and of that ten per centum he shall collect one-half from his said workmen by proper deduction from the daily wage of each. During the operation of any such contract the supervisor of industrial insurance or any interested person may file a complaint with the supervisor of industrial insurance alleging that the service and care actually rendered thereunder are not up to the standard provided in section 6604-36, and if upon a hearing had upon notice to the employer and workmen interested thereunder, the supervisor of industrial insurance may make an order that the contracts shall terminate unless the defect or deficiency complained of shall be remedied to his satisfaction within a period to be fixed in such order, or he may at such hearing

sustain the complaint and make an order that the contract shall terminate forthwith. Notice to the workman may be effected in the manner provided in section 6604-33. The employer or any interested workman may appeal from such decision to the courts in the manner provided in section 6604-20. During the appeal the contract shall remain in force and operation, but the costs of the appeal shall be paid out of the medical aid fund only in case the decision of the supervisor of industrial insurance is reversed by the court. If during the operation of any such contract, any injured workman shall not receive medical or surgical treatment with reasonable promptness upon the occurrence of his injury, or at any time during his treatment the supervisor of industrial insurance may provide such treatment during the emergency at the expense of his employer, who may charge such expense against such contract, and such emergency treatment shall continue until supplanted by like treatment under such contract, notwithstanding the pendency of an appeal from such action. The cost of such emergency treatment shall not exceed the rates specified in the fee bill provided by section 6604-36. The acceptance of employment by any workman shall be and be held to be an acceptance of any existing contract made under this section to which his employer is a party.

No contract for medical, surgical, or hospital care of injured workmen entered into prior to the time this act shall go into effect shall be invalidated by anything in this act contained.

SEC. 13. That there be added to Remington & Ballinger's Annotated Codes and Statutes of Washington, a new section to be known as section 6604-95a:

Section 6604-95a. Any employer who in any establishment carried on by him has refused or

Penalty for non-compliance with standards.

failed to comply with the existing "safe place" and, or "safety device" standards applicable to any such establishment for a period of three months after having had written notice from the supervisor of safety shall have added to the premium of the establishment affected a penalty equal in amount to ten per cent of the contribution to the accident fund of such establishment for the period of non-compliance, and this penalty may be increased by an additional ten per cent of such contribution for each succeeding three months period of refusal or failure of compliance.

SEC. 14. That section 6604-107 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Additional  
assessments  
for accident  
fund.

Section 6604-107. Each employer who shall be certified to the supervisor of industrial insurance for any calendar year to have failed to comply with any educational standard applicable to his establishment or case and who shall be certified by the supervisor of safety to the supervisor of industrial insurance to be shown by the experience tables provided by section 6604-103 to have cost for that year and the four preceding years the accident fund of any class or class subdivision to which he is a contributor more than one hundred per cent but not more than one hundred and twenty-five per cent of the average cost rate for said aggregate five-year period of such class or class subdivision shall pay into the accident fund upon demand of the supervisor of industrial insurance in addition to the amount which he would otherwise have paid for such calendar year into the accident fund on account of the plant, works or system in respect to which such excess cost shall have occurred a sum equal to five per cent of the cost rate for that year of such class or class subdivision.

SEC. 15. That section 6604-108 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-108. Each employer who shall be certified to the supervisor of industrial insurance for any calendar year to have failed to comply with any educational standard applicable to his establishment or case and who shall be certified by the supervisor of safety to the supervisor of industrial insurance to be shown by the experience table provided by section 6604-103 to have cost for that year and for the four preceding years the accident fund of any class or class subdivision to which he is a contributor more than one hundred and twenty-five per cent of the average cost rate for said aggregate five-year period of such class or class subdivision shall pay into the accident fund upon demand of the supervisor of industrial insurance in addition to the amount which he would otherwise have paid for such calendar year into the accident fund on account of the plant, works or system in respect to which such excess cost shall have occurred a sum equal to ten per cent of the cost rate for that year of such class or class subdivision.

Additional assessments for accident fund.

SEC. 16. That section 6604-109 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-109. For the portion of any fraction of calendar year remaining after the expiration of four fractional or full calendar months after this section shall go into effect or after the establishment and notification of any standard of safety by the supervisor of safety or if for any reason any employer shall cease or suspend operation for any portion of any period of calendar year, the credits, and penalties in sections, 6604-101, 6604-102, 6604-105, 6604-106, 6604-107 and 6604-108 provided shall be

Proportional credits and penalties.

calculated and applied in the proportion of time which the period of operation shall bear to the calendar year.

Repealing  
clause.

SEC. 17. Sections 6604-96, 6604-98, 6604-99 and 6604-100, Remington & Ballinger's Annotated Codes and Statutes of Washington are hereby repealed.

Passed the House March 1, 1921.

Passed the Senate March 7, 1921.

Approved by the Governor, with the exception of section 5, which is vetoed, March 19, 1921.

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## CHAPTER 183.

[H. B. 264.]

### PORT DISTRICTS.

AN ACT relating to port districts and amending section 4475  
Pierce's Code.

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

SECTION 1. That section 4475 of Pierce's Code (Laws 1917, p. 498) be amended to read as follows:

Powers of  
district.

Section 4475. All port districts organized under the provisions of this act shall be and are hereby authorized to acquire by purchase or condemnation, or both, all lands, property, property rights, leases or easements necessary for the purposes of the port districts, and to exercise the right of eminent domain in the acquirement or damaging of all land, property, property rights, leases or easements, and the levying and collection of assessments upon property for the payment of all damages and compensation in carrying out the provisions for which said district shall have been created, and such right shall be exercised in the same manner and by the same procedure as is or may be provided by law for cities of