

## CHAPTER 146.

[H. B. 56.]

ASSESSMENT OF PRIVATE CAR COMPANIES  
FOR TAXATION.

AN ACT relating to taxation; providing for the assessment for that purpose of the property of private car companies; providing penalties; repealing chapter 36 of the Laws of 1907; and all acts and parts of acts in conflict herewith; and declaring that this act shall take effect immediately.

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

SECTION 1. For the purposes of this act and unless otherwise required by the context: Definitions.

(1) The term "commission" without other designation means the tax commission of the State of Washington. "Commis-  
sion."

(2) The term "private car company" or "company" shall mean and include any person, copartnership, association, company or corporation owning, controlling, operating or managing stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars or any other kind of cars, used for transportation of property, by or upon railroad lines running in, into or through the State of Washington when such railroad lines are not owned or leased by such person, copartnership, association, company or corporation; or owning, controlling, operating or managing sleeping cars, parlor cars, buffet cars, tourist cars or any other kind of cars, used for transportation of persons by or upon railroads on lines running in, into or through the State of Washington, when such railroad lines are not owned or leased by such person, copartnership, association, company or corporation and upon which an extra charge in addition to the railroad transportation fare is made. "Private car  
company."  
"Company."

(3) The term "operating property" shall mean and include all rolling stock and car equip- "Operating  
property."

ment owned by any private car company, or held by it as occupant, lessee or otherwise, including its franchises used and reasonably necessary in carrying on the business of such company; and in the case of rolling stock and car equipment used partly within and partly without the state, shall mean and include a proportion of such rolling stock and car equipment to be determined as in this act provided; and all such property shall, for the purposes of this act be deemed personal property.

Filed  
statement  
required.

SEC. 2. Every private car company shall, beginning with the year 1933 and annually thereafter, on or before the first day of May, make and file with the commission in such form and upon such blanks as the commission may provide and furnish, a statement, for the year ending December thirty-first next preceding, under the oath of the president, secretary, treasurer, superintendent or chief officer of such company, containing the following facts:

Name,  
nature of  
business, etc.

(1) The name of the company, the nature of the business conducted by the company, and under the laws of what state or country organized; the location of its principal office; the name and post office address of its president, secretary, auditor, treasurer, superintendent and general manager; the name and post office address of the chief officer or managing agent or attorney in fact in Washington.

Cars: Num-  
ber and  
cost of.

(2) The total number of cars of every class used in transacting business on all lines of railroad, within the state and outside the state; together with the original cost and the fair average value per car of all cars of each of such classes.

Track  
mileage.

(3) The total number of miles of railroad main track over which such cars were used within this state and within each county in this state.

(4) The total number of car miles made by all cars on each of the several lines of railroad in this state, and the total number of car miles made by all cars on all railroads within and without the state during the year. Car mileage.

(5) A statement in detail of the entire gross receipts and net earnings of the company during the year within the state and of the entire system, from all sources. Earnings.

(6) Such other facts or information as the commission may require in the form of return prescribed by it.

The commission shall have power to prescribe directions, rules and regulations to be followed in making the report required herein.

SEC. 3. The president or other officer of every railroad company whose lines run in, into or through this state, shall, on or before the first day of April in each year, furnish to the commission a statement, verified by the affidavit of the officer making the same, showing as to every private car company respectively, the name of the company, the class of car and the total number of miles made by each class of cars, and the total number of miles made by all cars on its lines, branches, sidings, spurs or warehouse tracks, within this state during the year ending on the thirty-first of December next preceding. Statement  
of president.

SEC. 4. The commission shall have access to all books, papers, documents, statements and accounts on file or of record in any of the departments of the state; and shall have the power, by summons signed by a member of the commission and served in a like manner as a subpoena issued from courts of record, to compel witnesses to appear and give evidence and to produce books and papers. Any member of the commission or the secretary thereof or any employee officially designated by the com- Access to  
state records.

mission is authorized to administer oaths to witnesses. The attendance of any witness may be compelled by attachment issued out of any superior court upon application to said court by any member of the commission, upon a proper showing that such witness has been duly served with a summons and has refused to appear before the said commission. In case of the refusal of a witness to produce books, papers, documents or accounts or to give evidence on matters material to the hearing, the commission or any member thereof may institute proceedings in the proper superior court to compel such witness to testify, or to produce such books or papers and to punish him for the refusal. All summons and process issued by the commission shall be served by the sheriff of the proper county and such service certified by him to the commission without any compensation therefor. Persons appearing before the commission in obedience to a summons, shall, in the discretion of the commission, receive the same compensation as witnesses in the superior court to be audited by the state auditor on the certificate of the commission. The records, books, accounts and papers of each company shall be subject to visitation, investigation or examination by the commission, or any employee thereof officially designated by the commission. All real and/or personal property of any company shall be subject to visitation, investigation, examination and/or listing at any and all times by the commission, or any commissioner, or any person employed by the commission.

Witness.

Court proceedings.

Compensation.

Access to companies' records.

Examination of property.

Depositions.

SEC. 5. The commission in any matter material to the valuation, assessment or taxation of the property of any company, may cause the deposition of witnesses residing without the state or absent therefrom, to be taken upon notice to the company interested in like manner as the deposition

of witnesses are taken in civil actions in the superior court.

SEC. 6. If any company, or its officer or agent, shall refuse or neglect to make any report required by this act, or by the commission, or shall refuse or neglect to permit an inspection and examination of its records, books, accounts, papers or property requested by the commission, or shall refuse or neglect to appear before the commission in obedience to a summons, the commission shall inform itself the best it may of the matters to be known, in order to discharge its duties with respect to valuation and assessment of the property of such company; and the commission shall add to the value so ascertained twenty-five per centum as a penalty for the failure or refusal of such company to make its report and such company shall be estopped to question or impeach the assessment of the commission in any hearing or proceeding thereafter.

Violation.

Penalty.

SEC. 7. The commission shall, beginning with the year 1933, and annually thereafter make an assessment of the operating property of each private car company; and between the first day of May and the first day of July of each of said years shall prepare an assessment roll upon which it shall enter and assess the true cash value of all the operating property of each of such companies as of the first day of March of the year in which the assessment is made. For the purpose of determining the true cash value of such property the commission may taken into consideration any information or knowledge obtained by it from an examination and inspection of such property, or of the books, records and accounts of such companies, the statements filed as required by this act, the reports, statements or returns of such companies filed in the office of any board, office or commission of this

Assessment.

Assessment roll.

state or any county thereof, the earnings and earning power of such companies, the franchises owned or used by such companies, the assessed valuation of any and all property of such companies, whether operating property or non-operating property, and whether situated within or without the state, and any other facts, evidences or information that may be obtainable bearing upon the value of the operating property: *Provided*, That in no event shall any statement or report required from any company by this act be conclusive upon the commission in determining the amount, character and true cash value of the operating property of such company.

Report not  
conclusive.

Property in  
and out of  
state: Pro-  
portionment  
of tax.

SEC. 8. The commission may, in determining the actual cash value of the operating property to be placed on the assessment roll value the entire property as a unit. If the company owns, leases, operates or uses property partly within and partly without the state, the commission may determine the value of the operating property within this state by the proportion that the value of such property bears to the value of the entire operating property of the company, both within and without this state. In determining the operating property which is located within this state the commission may consider and base such determination on the proportion which the number of car miles of the various classes of cars made in this state bears to the total number of car miles made by the same cars within and without this state, or to the total number of car miles made by all cars of the various classes within and without this state. If the value of the operating property of the company cannot be fairly determined in such manner the commission may use any other reasonable and fair method to determine the value of the operating property of the company within this state.

SEC. 9. Upon the assessment roll shall be placed after the name of each company a general description of the operating property of the company, which shall be considered sufficient if described in the language of subdivision 3 of section 1 or otherwise, following which shall be entered the actual cash value of the operating property as determined by the commission. No assessment shall be invalid by a mistake in the name of the company assessed, by omission of the name of the owner or by the entry of a name other than that of the true owner. When the commission shall have prepared the assessment roll and entered thereon the actual cash value of the operating property of the company, as herein required, it shall notify the company by mail of the valuation determined by it and entered upon said roll; and thereupon such valuation shall become the actual cash value of the operating property of the company, subject to revision or correction by the state board of equalization as hereinafter provided; and shall be the valuation upon which, after equalization by the state board of equalization as hereinafter provided, the taxes of such company shall be based and computed.

SEC. 10. Every company assessed under the provisions of this act shall be entitled on its own motion to a hearing and to present evidence before the commission, at any time between the first day of May and the first day of June, relating to the value of the operating property of such company. Upon request in writing for such hearing, the commission shall appoint a time and place therefor, within the respective periods aforesaid, the hearing to be conducted in such manner as the commission shall direct. Such hearing shall not impair or affect the right to a further hearing before the state board of equalization as hereinafter provided. Hearings provided for in this section may be held

at such times and in such places throughout the state as the commission may deem proper or necessary, and may be adjourned from time to time and from place to place.

State board  
of equaliza-  
tion.

SEC. 11. The assessment roll of each company assessed under the provisions of this act shall, by the commission, be submitted to the state board of equalization at its annual meeting held for the purpose of equalizing the assessed valuation of the taxable property of the state; and any company interested shall have the right to appear and be heard as to the valuations of its property shown on such rolls and as to the assessment and value of the general property of the state; and said board of equalization may, on application or of its own motion, correct the valuation in such manner as may in its judgment make the valuation thereof just and relatively equal with the valuation of the general property of the state. The said board of equalization shall not increase the valuation of any property on such assessment roll, without giving to the company at least three days written notice, by registered letter to appear and show cause if any there be, why such valuation shall not be increased: *Provided*, That such notice shall not be necessary if the company appear voluntarily before said board, and be there notified by said board or a member thereof that the property on such roll, or some specified part thereof, is, in the opinion of the board, valued below its actual value. Petitions or applications for the reduction of a particular valuation shall be made in writing verified by the oath of the applicant, its president, secretary, managing agent or attorney in fact and be filed with said board the first day it is by law required to be in session, and any petition or application not so made, verified and filed shall not be considered or acted upon by the board. Upon determination

Hearing  
before.

Correction.

Increase.

Notice.

Petitions for  
reduction.

by the state board of equalization of the true and correct actual cash value of the property appearing on such rolls the board shall apportion such value to the respective counties entitled thereto as hereinafter provided, and shall determine the equalized or assessed valuation of such property in such counties by applying to such actual apportioned value the same ratio as the ratio of assessed to actual value of the general property of the respective counties.

SEC. 12. The actual cash value of the property of each company as fixed and determined by the state board of equalization as herein provided shall be apportioned to the respective counties in the following manner:

Apportionment to counties:

(1) If all the operating property of the company is situated entirely within a county and none of such property is located within, extends into, or through or is operated into or through any other county, the entire value thereof shall be apportioned to the county within which such property is situate, located and operated.

Entirely in one county.

(2) If the operating property of any company is situated or located within, extends into or is operated into or through more than one county, the value thereof shall be apportioned to the respective counties into or through which its cars are operated in the proportion that the length of main line track of the respective railroads moving such cars in such counties bears to the total length of main line track of such respective railroads in this state.

More than one county: Ratio of apportionment.

(3) If the property of any company is of such character that it will not be reasonable, feasible or fair to apportion the value as hereinabove provided, the value thereof shall be apportioned between the

Not fairly apportionable.

respective counties into or through which such property extends or is operated or in which the same is located in such manner as may be reasonable, feasible and fair.

Apportionment to taxing districts.

SEC. 13. When the state board of equalization shall have determined the equalized or assessed value of the operating property of each company in the respective counties as hereinabove provided, it shall certify such equalized or assessed value to the county assessor of the proper county; and the county assessor shall apportion and distribute such assessed or equalized valuation to and between the several taxing districts of his county entitled to a proportionate value thereof in the manner prescribed in section 12 hereof for apportionment of values between counties. The county assessor shall enter such assessment upon the personal property tax rolls of his county, together with the values so apportioned, and the same shall be and constitute the assessed valuation of the operating company in such county for that year, upon which taxes shall be levied and collected the same as on general property of the county.

Property other than operating property.

SEC. 14. All property of any company not assessed as operating property under the provisions of this act shall be assessed by the assessor of the county wherein the same may be located or situate the same as the general property of the county.

Partial invalidity.

SEC. 15. The invalidity of any portion of this act shall not affect the validity of any other portion which can be given effect without such invalid part.

Repeals ch. 36, Laws of 1907.

SEC. 16. That chapter 36 of the Laws of 1907, and all acts and parts of acts in conflict herewith, are hereby repealed.

Effective immediately.

SEC. 17. This act is necessary for the immediate support of the state government and its existing

public institutions and shall take effect immediately.

Passed the House March 9, 1933.

Passed the Senate March 9, 1933.

Approved by the Governor March 18, 1933.

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## CHAPTER 147.

[H. B. 17.]

### LICENSING AND REGULATING MOTOR VEHICLE OPERATORS.

AN ACT relating to the licensing and regulation of motor vehicle operators, the collection, distribution and expenditure of fees, prescribing the powers and duties of certain officers and departments, defining offenses and fixing penalties, and repealing section 4 of chapter 96 of the Laws of 1921; sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 15, 16, 17, 18, 19 and 20 of chapter 108 of the Laws of 1921; and sections 1 and 2 of chapter 122 of the Laws of 1923 and all other laws or parts of laws in conflict herewith.

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

SECTION 1. The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning.

Definitions.

(a) "Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

"Vehicle."

(b) "Motor Vehicle." Every vehicle, as herein defined, which is self-propelled.

"Motor vehicle."

(c) "Farm Tractor." Every motor vehicle designed and used primarily as a farm implement for drawing plows, moving machines and other implements of husbandry.

"Farm tractor."