

in cities of the first, second and third class shall be entitled to charge for certified copies of records of births and deaths and for searching of records when no certified copy is made, the same fee as hereinabove provided for the state registrar, but such fees, if any collected, shall be paid into the treasury of the city where collected.

Passed the House February 16, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 16, 1937.

CHAPTER 169.

[S. H. B. 430.]

PUBLIC SERVICE COMPANIES.

AN ACT relating to public service companies, providing for additional supervision and regulation thereof, amending section 6 of chapter 117 of the Laws of 1911, and amending section 82 of chapter 117 of the Laws of 1911 as amended by chapter 133 of the Session Laws of 1915 as amended by section 3 of chapter 165 of the Laws of 1933, and section 86 of chapter 117 of the Laws of 1911, and section 13 of chapter 165 of the Laws of 1933, adding two new sections to chapter 117 of the Laws of 1911 to be known as sections 98-1 and 25-b which provide additional penalties for public service companies and their officers, agents and employees, and shippers, and repealing sections 4 and 7 of chapter 117 of the Laws of 1911 and section 2 of chapter 248 of the Laws of 1927, and declaring that this act shall take effect April 1, 1937.

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

SECTION 1. That section 6 of chapter 117 of the Laws of 1911 (section 10342 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 10342, Rem.
Rev. Stat.
(§ 5533, P. C.)

Section 6. All proceedings of the department, and all documents and records in its possession, shall be public records, and it shall adopt and use an

Public
records.

Official seal.

Biennial
report.

official seal. The department shall make and submit to the governor a biennial report containing a statement of the transactions and proceedings of its office, together with the information gathered by the department as herein required, and such other facts, suggestions and recommendations as may be by it deemed necessary.

Amends
§ 10424, Rem.
Rev. Stat.
(§ 5609, P. C.)

SEC. 2. That section 82 of chapter 117 of the Laws of 1911, as amended by chapter 133 of the Laws of 1915, as amended by chapter 165 of the Laws of 1933 (section 10424 Remington's Revised Statutes) be amended to read as follows:

Change in
rates.

Section 82. Whenever any public service company shall file with the department of public service any schedule, classification, rule or regulation, the effect of which is to change any rate, fare, charge, rental or toll theretofore charged, the department shall have power, either upon its own motion or upon complaint, upon notice, to enter upon a hearing concerning such proposed change and the reasonableness and justness thereof, and pending such hearing and the decision thereon the department may suspend the operation of such rate, fare, charge, rental or toll for a period not exceeding seven months from the time the same would otherwise go into effect, and after a full hearing the department may make such order in reference thereto as would be provided in a hearing initiated after the same had become effective.

Suspension.

Burden of
proof.

At any hearing involving any change in any schedule, classification, rule or regulation the effect of which is to increase any rate, fare, charge, rental or toll theretofore charged, the burden of proof to show that such increase is just and reasonable shall be upon the public service company: *Provided, however,* That when any common carrier subject to the jurisdiction of the department shall file any tariff, classification, rule or regulation the effect of

which is to decrease any rate, fare, or charge, the burden of proof to show that such decrease is just and reasonable shall be upon such common carrier.

SEC. 3. That section 86 of chapter 117 of the Laws of 1911 (section 10428 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 10428, Rem.
Rev. Stat.
(§ 5613, P. C.)

Section 86. Any complainant or any public service company affected by any findings or order of the department, and deeming such findings or order to be contrary to law, may, within thirty days after the service of the findings or order upon him or it, apply to the superior court of Thurston county for a writ of review, for the purpose of having the reasonableness and lawfulness of such findings or order inquired into and determined. Such writ shall be made returnable not later than thirty days from and after the date of the issuance thereof, unless upon notice to all parties affected further time be allowed by the court, and shall direct the department to certify its record in the case to the court. Such cause shall be heard by the court without the intervention of a jury on the evidence and exhibits introduced before the department and certified to by it. Upon such hearing the superior court shall enter judgment either affirming or setting aside or remanding for further action the findings or order of the department under review. The reasonable cost of preparing the transcript of testimony taken before the department shall be assessable as part of the statutory court costs, and the amount thereof, if collected by the department, shall be deposited in the public service revolving fund. In case such findings or order be set aside, or reversed and remanded, the court shall make specific findings based upon evidence in the record indicating clearly all respects in which the department's findings or order are erroneous.

Review.

Amends
§ 10458-7,
Rem. Rev.
Stat. (§ 5527-
13, P. C.)

SEC. 4. That section 13 of chapter 165 of the Laws of 1933 (section 10458-7 Remington's Revised Statutes) be amended to read as follows:

Depreciation
or retirement
accounts.

Section 13. The department shall have power after hearing to require any or all public service companies to carry proper and adequate depreciation or retirement accounts in accordance with such rules, regulations and forms of accounts as the department may prescribe. The department may from time to time ascertain and by order fix the proper and adequate rates of depreciation or retirement of the several classes of property of each public service company. Each public service company shall conform its depreciation or retirement accounts to the rates so prescribed. In fixing the rate of the annual depreciation or retirement charge, the department may consider the rate and amount theretofore charged by the company for depreciation or retirement.

Reserve
accounts.

The department shall have and exercise like power and authority over all other reserve accounts of public service companies.

Adds § 98-1,
ch. 117,
Laws 1911.

SEC. 5. That chapter 117 of the Laws of 1911 be amended by adding thereto a new section to be known as section 98-1 reading as follows:

Attorney
general to
prosecute
civil action.

Section 98-1. The attorney general of the State of Washington is authorized and directed, whenever he has reasonable grounds to believe that any person, firm or corporation has knowingly accepted or received from any carriers of persons or property subject to the jurisdiction of the department of public service of the State of Washington, either directly or indirectly, any unlawful rebate, discount, deduction, concession, refund or remittance from the rates or charges filed and open to public inspection as provided for in the public service laws of this state, to prosecute a civil action in the name of the people of the State of Washington in the superior court of

Thurston county to collect three (3) times the total sum of such rebates, discounts, deductions, concessions, refunds or remittances so accepted or received within three (3) years prior to the commencement of such action.

All penalties imposed under the provisions of this section shall be paid to the state treasurer and by him deposited in the public service revolving fund.

Penalties deposited in public service revolving fund.

SEC. 6. That chapter 117 of the Laws of 1911 be amended by adding thereto a new section to be known as section 25-b reading as follows:

Adds § 25-b, ch. 117, Laws 1911.

Section 25-b. Every steamboat company and every officer, agent, or employee of any steamboat company who violates or who procures, aids or abets in the violation of any provision of this act, or any order, rule, regulation, or decision of the department shall incur a penalty of \$100.00 for every such violation. Each and every such violation shall be a separate and distinct offense and in case of a continuing violation every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for.

Steamboat companies, violations of act.

Penalty.

The penalty herein provided for shall become due and payable when the person incurring the same receives a notice in writing from the department describing such violation with reasonable particularity and advising such person that the penalty is due.

The department may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as it in its discretion shall deem proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as it may deem proper.

If the amount of such penalty is not paid to the department within fifteen days after receipt of notice imposing the same or, if application for remission or mitigation has not been made, within fifteen days after the violator has received notice of the disposition of such application, the attorney general shall bring an action to recover the penalty in the name of the State of Washington in the superior court of Thurston county or of some other county in which such violator may do business. In all such actions the procedure and rules of evidence shall be the same as in ordinary civil actions except as otherwise herein provided. All penalties recovered by the state under this act shall be paid into the state treasury and credited to the public service revolving fund.

Statutes
repealed.

SEC. 7. That sections 4 and 7 of chapter 117 of the Laws of 1911 (sections 10340 and 10343 Remington's Revised Statutes) and section 2 of chapter 248 of the Laws of 1927 (section 10361-2 Remington's Revised Statutes) be and the same are hereby repealed.

Effective
April 1, 1937.

SEC. 8. This act is necessary for the support of the state government and its existing public institutions and shall take effect April 1, 1937.

Passed the House March 1, 1937.

Passed the Senate March 7, 1937.

Approved by the Governor March 16, 1937.