

more independently operated railroads cross each other or at the same highway intersection, each such independent track or tracks shall constitute a separate crossing.

Penalty.

Every person, firm, company or corporation, or the officers, agents or employees thereof, failing or neglecting to make the report herein required and to pay the fees required, shall be subject to the penalty provided in section 10419 of Remington's Revised Statutes.

Passed the House March 4, 1941.

Passed the Senate March 13, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 162.

[H. B. 337.]

SUSPENSION OF PROPOSED RATES, FARES AND CHARGES OF PUBLIC SERVICE COMPANIES.

AN ACT relating to the rates, fares and charges of public service companies and amending 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, as amended by chapter 169 of the Laws of 1937; and extending the time within which the Department of Public Service may suspend schedules and tariffs of public service companies.

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

Amend-
ments.

SECTION 1. 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, as amended by chapter 169 of the Laws of 1937 (section 10424 Remington's Revised Statutes) be amended to read as follows:

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, if such change is proposed by a common carrier subject to the jurisdiction of the Department for a period not exceeding seven months, and, if proposed by a public service company other than such a common carrier, for a period not exceeding ten 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.

Department
may suspend
rate pending
hearing.

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.

Burden of
proof at
hearing.

Passed the House March 3, 1941.

Passed the Senate March 13, 1941.

Approved by the Governor March 21, 1941.