

SEC. 3. Members of the Commission shall receive fifteen dollars (\$15) per day in the performance of their duties, including five cents (5¢) per mile going to and coming from his legal residence to official meetings of the Commission, the same to be paid upon their individual vouchers, approved by the chairman of the committee. The salaries and expenses of assistants and experts shall be paid upon vouchers approved by the chairman of the committee.

Compensation and travel expenses.

SEC. 4. There is hereby appropriated from the Legislative Expense Fund the sum of twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, for carrying out the purposes of this act.

Appropriation.

Passed the House March 9, 1947.

Passed the Senate March 9, 1947.

Approved by the Governor March 20, 1947.

CHAPTER 264.

[H. B. 401.]

TRANSPORTATION OF PROPERTY BY MOTOR VEHICLE.

AN ACT relating to the transportation of property by motor vehicle over the public highways of the State of Washington, providing for additional regulation thereof, amending sections 3, 5, 9, 11-a, 14, 27, 28, and 30, chapter 184, Laws of 1935, as amended by chapter 166, Laws of 1937, chapter 163, Laws of 1941, and chapter 104, Laws of 1943 (secs. 6382-3, -5, -9, -11-a, -14, -27, -28, and -30, Rem. Rev. Stat.; secs. 281-11, -13, -21, -27, -33, -59, -61, and -65, PPC), adding a new section thereto after section 19 to be designated section 19-a, defining unlawful practices of motor carriers and other persons, and providing penalties.

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

SECTION 1. Section 3, chapter 184, Laws of 1935, as amended by section 4, chapter 166, Laws of 1937 (sec. 6382-3, Rem. Rev. Stat.; sec. 281-11, PPC) is amended to read as follows:

Act not
applicable
to certain
motor
vehicles.

Section 3. The provisions of this act, except where specifically otherwise provided, and except the provisions providing for licenses, shall not apply to:

(a) Motor vehicles operated exclusively within the corporate limits of any city or town of less than 10,000 population or within the confines of contiguous cities or towns;

(b) Motor vehicles operated exclusively in the transportation of the United States mail or in the transportation of newspapers or periodicals;

(c) Motor vehicles owned and operated by the United States, the State of Washington, or any county, city, town or municipality therein, or by any department of them, or either of them;

(d) Vehicles specially constructed for towing or wrecking, and not otherwise used in transporting goods for compensation.

(e) Motor vehicles owned and operated by farmers in the transportation of their own farm, orchard or dairy products from point of production to market, or in the infrequent or seasonal transportation by one farmer for another in his immediate neighborhood of products of the farm, orchard or dairy, or of supplies or commodities to be used on the farm, orchard or dairy.

SEC. 2. Section 5, chapter 184, Laws of 1935, as last amended by section 1, chapter 163, Laws of 1941 (sec. 6382-5, Rem. Rev. Stat.; sec. 281-13, PPC) is amended to read as follows:

Permit
required of
"common,"
"contract,"
and
"temporary
carriers."

Section 5. No "common carrier," "contract carrier," or "temporary carrier" shall hereafter operate for the transportation of property for compensation in this state without first obtaining from the Department a permit so to do under the provisions of this act. Applications for common or contract carrier permits or extensions thereof shall be on file for a period of at least thirty days prior to the granting

thereof unless the Department finds that special conditions require the earlier granting thereof.

No permit or extension thereof shall be granted if the Department finds that the applicant is not financially able, properly and adequately equipped and capable of conducting the transportation service applied for in compliance with the law and rules and regulations of the Department and the Department may deny an application if the applicant or any of its principal officers or stockholders fails, or has failed, to comply with the laws of the State of Washington.

Financial responsibility required.

Violation of laws.

Nothing contained in this act shall be construed to confer upon any person or persons the exclusive right or privilege of transporting property for compensation over the public highways of the State of Washington, but the Department may deny an application when it appears clearly, after public hearing, that the additional service would unreasonably congest the highways or unreasonably endanger the stability and dependability of the service essential to the public needs.

No exclusive rights conferred.

Grounds for denial of application.

The Department shall also consider the amount and type of service rendered in any area by any class of service and may deny an application for permit or extension if it appears that the grant of such permit or extension would not be in the interest of the shipping public or would tend to impair the stability or dependability of existing service essential to the public needs or requirements.

SEC. 3. Section 9, chapter 184, Laws of 1935 (sec. 6382-9, Rem. Rev. Stat.; sec. 281-21, PPC) is amended to read as follows:

Section 9. No person whose application for a permit has been denied after hearing under any of the provisions of this act shall be eligible to renew the application for a period of six months from the date of the order denying such application.

Waiting period before renewal of application.

SEC. 4. Section 11-a, chapter 184, Laws of 1935, as added by section 10, chapter 166, Laws of 1937, as amended by section 3, chapter 163, Laws of 1941 (sec. 6382-11-a, Rem. Rev. Stat.; sec. 281-27, PPC) is amended to read as follows:

Tariffs for common carriers.

Classification.

Amendments.

Temporary tariffs.

Carriers to make tariffs available to public.

Department to sell compilations.

Maintenance fee.

Section 11-a. The Department is hereby vested with power and authority and it is hereby made its duty, to make, fix, construct, compile, promulgate, publish and distribute tariffs containing compilations of rates, charges, classifications, rules and regulations to be used by all common carriers, as defined in this act, in this state. The Department, in compiling such tariffs, shall include within any given tariff compilation such carriers, groups of carriers, commodities, or geographical areas as it determines shall be in the public interest. Such compilations and publications may be made by the Department by compiling the rates, charges, classifications, rules and regulations now in effect, and may be amended and altered from time to time after notice and hearing, by issuing and distributing revised pages or supplements to such tariffs or reissues thereof in accordance with the orders of the Department: *Provided*, That the Department, upon good cause shown, may establish temporary rates, charges or classification changes to be made permanent, however, only after notice and hearing. The proper tariff, or tariffs, applicable to a carrier's operations shall be available to the public at each agency and office of all common carriers, as defined in this act, operating within this state. Such compilations and publications shall be sold by the Department for not to exceed five dollars (\$5) for each tariff. Corrections to such publications shall be furnished to all subscribers to tariffs in the form of corrected pages to the tariffs, supplements or reissues thereof. In addition to the initial charge for each tariff, as above stated, the Department shall charge an annual maintenance fee of not to exceed five dollars (\$5) per tariff to cover

the cost of issuing corrections or supplements and mailing same to subscriber: *Provided, however,* That copies may be furnished free to other regulatory bodies and departments of government and to colleges, schools and libraries. All copies of the compilations, whether sold or given free, shall be issued and distributed under rules and regulations to be fixed by the Department.

Free copies
to regulation
bodies.

SEC. 5. Section 14, chapter 184, Laws of 1935, as amended by section 12, chapter 166, Laws of 1937 (sec. 6382-14, Rem. Rev. Stat.; sec. 281-33, PPC) is amended to read as follows:

Section 14. The Department shall have power and authority to issue temporary permits to temporary "common carriers" or "contract carriers" for a period not to exceed ninety (90) days, but only after the Department finds that an emergency exists because existing transportation agencies cannot supply the needed and necessary service, and may prescribe such special rules and regulations and impose such special terms and conditions with reference thereto as in its judgment are reasonable and necessary in carrying out the provisions of this act.

Temporary
permits.

Emergency
must exist.

SEC. 6. Chapter 184, Laws of 1935, as last amended by chapter 104, Laws of 1943, is amended by adding a new section thereto after section 19 to be designated as section 19-a, reading as follows:

Rebates
and under
charging
unlawful.

Section 19-a. Any person, whether carrier subject to the provisions of this act, shipper, or consignee, or any officer, employee, agent, or representative thereof, who shall knowingly offer, grant, or give, or solicit, accept, or receive any rebate, concession, or discrimination in violation of any provision of this act, or who by means of any false statement or representation, or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease, or bill of sale, or by any other means or device shall

knowingly and wilfully assist, suffer or permit any person or persons, natural or artificial, to obtain transportation of property subject to this act for less than the applicable rate, fare, or charge, or who shall knowingly and wilfully by any such means or otherwise fraudulently seek to evade or defeat regulation as in this act provided for motor carriers shall be deemed guilty of a gross misdemeanor.

Penalty.

SEC. 7. Section 27, chapter 184, Laws of 1935, as amended by section 19, chapter 166, Laws of 1937 (sec. 6382-27, Rem. Rev. Stat.; sec. 281-59, PPC) is amended to read as follows:

Identification plates.

Section 27. It shall be unlawful for any "common carrier," or "contract carrier" to operate any motor vehicle within this state unless there shall be displayed and firmly fixed upon the front and rear of such vehicle an identification plate to be furnished by the Department. Such plates shall be different in design for the different classes of carriers, shall bear the number given to the vehicle by the Department, and such other marks of identification as may be required, and, subject to the qualification hereinafter contained, shall be in addition to the regular license plates required by law. Such plates shall be issued annually under rules and regulations of the Department, and shall be attached to each motor vehicle operated subject to this act not later than January first of each year: *Provided*, That such plates may be issued for the ensuing calendar year on and after the first day of December preceding and may be used and displayed from the date of issue until December 31 of the succeeding calendar year for which the same are issued. In case an applicant receives a permit after January first of any year such plates shall be obtained and attached to each motor vehicle subject to this act before operation of any such vehicle is commenced.

Issued annually.

The Department shall collect from each such carrier a fee of three dollars (\$3) for each pair of identification plates so issued, and all fees for such plates shall be deposited in the state treasury to the credit of the transportation revolving fund.

Fee for plates.

SEC. 8. Section 28, chapter 184, Laws of 1935, as last amended by section 1, chapter 104, Laws of 1943 (sec. 6382-28, Rem. Rev. Stat.; sec. 281-61, PPC) is amended to read as follows:

Section 28. In addition to all other fees to be paid by them every "common carrier" and "contract carrier" shall pay to the Department each year at the time of, in connection with, and before receiving his identification plate, for each motor truck, trailer or semi-trailer owned or operated by him, based upon the maximum gross weight thereof as set by the carrier in his application for his regular license plates, the following fees:

Less than 4,000 pounds.....	\$11
4,000 pounds or more and less than 6,000 pounds....	\$12
6,000 pounds or more and less than 8,000 pounds....	\$14
8,000 pounds or more and less than 10,000 pounds....	\$15
10,000 pounds or more and less than 12,000 pounds....	\$17
12,000 pounds or more and less than 14,000 pounds....	\$18
14,000 pounds or more and less than 16,000 pounds....	\$20
16,000 pounds or more and less than 18,000 pounds....	\$21
18,000 pounds or more and less than 20,000 pounds....	\$23
20,000 pounds or more and less than 22,000 pounds....	\$24
22,000 pounds or more and less than 24,000 pounds....	\$26
24,000 pounds or more and less than 26,000 pounds....	\$27
26,000 pounds or more and less than 28,000 pounds....	\$29
28,000 pounds or more and less than 30,000 pounds....	\$30
30,000 pounds or more and less than 32,000 pounds....	\$32
32,000 pounds or more and less than 34,000 pounds....	\$33
34,000 pounds or more.....	\$35

Vetoed.

All fees collected under this section or any other provision of this Act shall be paid to the Department and shall be by it transmitted to the state treasury within thirty days to the credit of the transportation revolving fund.

SEC. 9. Section 30, chapter 184, Laws of 1935 (sec. 6382-30, Rem. Rev. Stat.; sec. 281-65, PPC) is amended to read as follows:

Public service commission law applies to hearings, orders, etc.

Section 30. In all respects in which the Department has power and authority under this act applications and complaints may be made and filed with it, process issued, hearings held, opinions, orders and decisions made and filed, petitions for rehearing filed and acted upon, and petitions for writs of review to the superior court filed therewith, appeals or mandate filed with the supreme court of this state, considered and disposed of by said courts in the manner, under the conditions and subject to the limitations and with the effect specified in the public service commission law of this state. The right of review and appeal hereby conferred shall be available to any motor carrier, complainant, protestant or other person adversely affected by any decision or order of the Department.

Appeal.

Passed the House March 9, 1947.

Passed the Senate March 8, 1947.

Approved by the Governor March 21, 1947, with the exception section 8, which is vetoed.