

CHAPTER 154.

[S. B. 216.]

STORAGE WAREHOUSES AND WAREHOUSEMEN.

AN ACT relating to storage warehouses and warehousemen in any incorporated city, or city and county, of this state having a population of thirty thousand or more, defining the same, providing for the regulation and supervision thereof by the department of public works, providing for the enforcement of the provisions of this act and penalties for the violation thereof.

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

Definitions.
"Person."

SECTION 1. The word "person" whenever used in this act shall be held to mean and include an individual, co-partnership, association, joint stock association, corporation, or their lessees, trustees, receivers or trustees, appointed by any court whatsoever.

"Storage
warehouse."

The term "storage warehouse" whenever used in this act shall be held to mean and include a building or structure or any part thereof in which goods, wares or merchandise is received from the public and kept for storage for hire within the corporate limits of any incorporated city, or city and county, of this state having a population of thirty thousand or more, except warehouses used exclusively for the storage of grain, hay, peas, fruit or vegetables and exclusive cold storage warehouses: *Provided*, That nothing contained in this act shall apply to storage furnished by a cooperative marketing association for its members or for other cooperative associations or as an incidental part of its business within the limits permitted by the cooperative marketing act as amended in chapter 16 of the Laws of 1931: *Further provided*, That nothing in this act shall be construed as applying to the business of renting locked boxes by any bank or trust company: *Further provided*, The term "storage warehouse" shall not include any building or structure or part thereof in which freight

is handled in transit exclusively, nor include public garages storing automobiles, nor include railroad freight sheds, nor include docks, wharves, and piers, or any structure owned, operated, controlled or managed by a wharfinger.

The term "storage warehouseman" and "warehouseman" whenever used in this act shall be held to mean any person operating any storage warehouse.

"Storage warehouseman."

"Warehouseman."

The term "department" when used in this act means the department of public works of the State of Washington, or such other board or body as may succeed to the powers and duties now held by said department.

"Department."

SEC. 2. No corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, shall hereafter operate any storage warehouse for the storage of property for the public for hire in this state except in accordance with the provisions of this act.

Scope of act.

SEC. 3. Every storage warehouseman shall upon obtaining his license as herein provided, at once file with the department his schedules showing the rates and charges for the storage and handling of property in his warehouse, and such schedules shall be kept in convenient form and be open at all times during business hours to public inspection at his warehouse or warehouses, and the office of the department. All charges made for any service rendered or to be rendered in the storage, or handling of property in his storage warehouse by any warehouseman shall be just, fair, reasonable and sufficient. Every warehouseman shall furnish and supply such warehouses, buildings, structures, service, instrumentalities, and facilities that shall be safe, adequate and efficient and in all respects just and reasonable. All rules and regulations issued by warehousemen affecting or pertaining to the storage, handling, or care of

Rate schedules.

property shall be just and reasonable. Every warehouseman shall construct and maintain such facilities in connection with his warehouse as will be efficient and safe to its employees and to the public.

Departmental supervision.

SEC. 4. The department is hereby vested with power and authority, and it is hereby made its duty to supervise and regulate every storage warehouse in this state; to fix, alter and amend to just, fair, reasonable and sufficient rates, fares, charges, classifications, rules and regulations of each such storage warehouse; to regulate accounts, service and safety of operations of each such storage warehouse; to require the filing of annual and other reports and all other data by such storage warehouse; to supervise and regulate storage warehouses in all other matters affecting the storage of property therein by the public. The department shall have power and authority by general order or otherwise, to prescribe rules and regulations in conformity with this act, applicable to any and all storage warehouses.

Surety bond.

SEC. 5. Every person operating a storage warehouse or warehouses, subject to the provisions of this act shall on or before the first day of July in each year file with the department of public works, and acceptable to the department, a surety bond running to the State of Washington, and executed by such person as principal, and a surety company authorized to do business in this state and conditioned upon the faithful discharge of all duties as a warehouseman, operating under this act, and full compliance with the laws of the state and the rules, regulations and orders of the department relative thereto. The penal sum of the bond to operate a storage warehouse or warehouses herein provided for, shall be five thousand dollars (\$5,000.00) for each storage warehouseman, and said bond shall cover the operation of a storage warehouse or ware-

houses by one warehouseman within any or all of the cities herein designated.

Each surety bond required herein shall be kept in full force and effect, and failure so to do shall be cause for the revocation of the license herein provided.

SEC. 6. Each person, firm, corporation or association of persons operating any storage warehouse or warehouses, subject to the provisions of this act, shall, on or before July 1st, of each year, procure from the director of public works a license for each such warehouse or warehouses so owned or operated for the ensuing year, before transacting business at such storage warehouse or warehouses: *Provided*, That no such license shall be issued before the bond hereinbefore required shall have been given and approved. Such license shall be posted in a conspicuous place in the office of each warehouse. The fee for such license shall be ten dollars (\$10.00) for each person operating a storage warehouse or warehouses in the same city, and the director of public works shall transmit such license fees to the state treasurer who shall deposit same in the public service revolving fund. The director of public works may revoke any such license, for cause, upon notice and hearing, and a person, firm, corporation or association of persons, operating any storage warehouse in this state without a license, shall forfeit to the state for each day's operation, fifty dollars (\$50.00), the same to be recovered on action brought by the attorney general in the superior court of Thurston county, Washington: *And further*, Such operation may be enjoined upon complaint of the director of public works.

SEC. 7. In all respects in which the department has power and authority under this act, application and complaints may be made and filed with it, process issued, hearings held, opinions, orders and de-

License.

Fee.

Revocation.

Injunction.

Duties and powers of department.

cisions made and filed, petitions for rehearing filed and acted upon, petition for writs of review to the superior court filed therein, appeals of mandate filed with the supreme court of this state and considered and disposed of by said courts in the manner, under the conditions and subject to the regulations and with the effect specified in the public service commission laws of this state.

Violations.

SEC. 8. Any person not a licensed warehouseman under, or excepted from the provisions of this act, who shall display on any building, vehicle, billboard or in any other manner, any advertisement of, or by circular, letter, newspaper, magazine, poster, or card to advertise, storage of property shall be guilty of a misdemeanor and punishable as such.

Every officer, agent or employee of any storage warehouse and every other person who violates or fails to comply with or who procures, aids, or abets in the violation of any provisions of this act, or who fails to obey, observe or comply with any order, decision, rule or regulation, direction, demand or requirement of the department under this act, is guilty of a gross misdemeanor and punishable as such.

Any person who shall wilfully make any false entry in the accounts or in any record or memorandum kept by a storage warehouseman or who shall wilfully destroy, mutilate, alter or by any other means or device, falsify a record or any such account, record, or memorandum, or who shall wilfully neglect or fail to make full, true or correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the warehouseman or shall keep any accounts or records with the intent to evade the provisions of this act, shall be guilty of a gross misdemeanor and punishable as such.

SEC. 9. Every storage warehouseman and all officers, agents, and employees of any storage warehouseman, shall obey, observe, and comply with every order, rule, direction or requirement made by the department under authority of this act so long as the same shall be and remain in force. Any storage warehouseman who shall violate or fail to comply with any provision of this act, or who fails, omits or neglects to obey, observe or comply with any order, rule, direction, demand or requirement of the department or who shall fail to maintain and comply with the schedule of rates and charges filed by him, shall be subject to a penalty of not to exceed the sum of one thousand dollars (\$1,000.00) for each and every offense. Every violation of any such order, rule, direction, demand or requirement of the department, or of any provision of this act, shall be a separate and distinct offense and in case of a continuing violation, every day's continuance thereof shall be deemed to be a separate and distinct offense.

Scope of act.

Penalty.

SEC. 10. Any officer or employee of the department of public works who divulges to any person other than a member of the department any fact or information coming to his knowledge during the course of an inspection, examination or investigation of any accounts, records, memoranda books, or papers of a warehouseman, except insofar as he may be authorized by the department, or by a court of competent jurisdiction, or by a judge thereof, shall be guilty of a gross misdemeanor.

Divulging information.

SEC. 11. Every storage warehouseman, at the time of filing with the department the annual statement or report required by law or by the rules and regulations of said department, shall pay to the director of said department a fee based on the gross operating revenues from the storage and handling of property in his warehouse or warehouses for the public as follows:

Fees: Basis of.	When the annual gross operating revenue is less than \$5,000.00.....	\$5.00
	When the annual gross operating revenue is \$5,000 and less than \$10,000.....	10.00
	When the annual gross operating revenue is \$10,000 and less than \$30,000.....	30.00
	When the annual gross operating revenue is \$30,000 and less than \$60,000.....	50.00
	When the annual gross operating revenue is \$60,000 and less than \$100,000.....	75.00
	When the annual gross operating revenue is \$100,000 and less than \$200,000.....	100.00
	When the annual gross operating revenue is \$200,000 and less than \$400,000.....	200.00
	When the annual gross operating revenue is \$400,000 and less than \$800,000.....	400.00
	When the annual gross operating revenue is \$800,000 and less than \$1,500,000.....	600.00
	When the annual gross operating revenue is \$1,500,000 and less than \$3,000,000.....	750.00
	When the annual gross operating revenue is \$3,000,000 and less than \$6,000,000.....	1,000.00
	When the annual gross revenue is \$6,000,000 or over.....	1,500.00

Disposition of funds.

All sums collected by the director of public works under the provisions of this act shall within thirty (30) days after their receipt, be paid to the state treasurer and by him deposited in the public service revolving fund.

Partial invalidity.

SEC. 12. If any section, sub-section, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act.

Passed the Senate February 20, 1933.

Passed the House March 6, 1933.

Approved by the Governor March 18, 1933.