

10430, Remington's Revised Statutes of Washington, and by the provisions of this act.

SEC. 16. That section 87 of chapter 117 of the Session Laws of 1911 and section 2 of chapter 119 of the Session Laws of 1931, are hereby repealed.

Repeals § 87, ch. 117, Laws of 1911; § 2, ch. 119, Laws of 1931.

SEC. 17. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Effective immediately.

Passed the Senate March 3, 1933.

Passed the House March 8, 1933.

Approved by the Governor March 18, 1933.

CHAPTER 166.

[S. S. B. 63.]

MOTOR VEHICLES.

AN ACT relating to transportation by motor vehicles over the public highways of the State of Washington, providing for the supervision, regulation and taxation thereof, and the payment of fees thereby, amending section 15 of chapter 96 of the Laws of 1921, as amended by chapter 140 of the Laws of 1931, providing penalties for the violation of this act, and making an appropriation.

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

SECTION 1. The business of operating as a motor carrier of property for hire along the highways of this state is declared to be a business affected with the public interest. The rapid increase of motor carrier freight traffic, and the fact that under existing law many motor trucks are not effectively regulated, have increased the dangers and hazards on public highways and make it imperative that more stringent regulation should be employed to the end that the highways may be rendered safer for the use of the general public; that the wear of

Public interest.

such highways may be reduced; that congestion of traffic on highways may be minimized; and that the use of the highways for the transportation of property for hire may be restricted to the extent required by the necessity of the general public. Wherefore, the legislature in the interest of the public safety and for the conservation of the highways and the preservation of the use thereof for the public, provides as follows:

Definitions.

"Person."

a. The term "person" when used in this act means and includes an individual, firm, co-partnership, corporation, company, association or their lessees, trustees or receivers.

"Department."

b. The term "department" means the department of public works of the State of Washington.

"Motor vehicle."

c. The term "motor vehicle" means any truck, trailer, semi-trailer, tractor, or any self-propelled or motor driven vehicle used upon any public highway of this state for the purpose of transporting property, but not including baggage, mail and express transported on the vehicles of auto transportation companies carrying passengers.

"Public highway."

d. The term "public highway" means every street, road or highway in this state.

"Certified operator."

e. The term "certified operator" means an "auto transportation company" as defined by chapter 111, Session Laws of 1921, and the acts amendatory thereof and supplemental thereto.

"Contract hauler."

f. The term "contract hauler" means every person owning, controlling, operating or managing any motor vehicle used in the business of transporting property for compensation, other than as a certified operator, over any public highway between fixed termini or over a regular route, not operating exclusively within the incorporated limits of any city or town: *Provided*, That the term "contract hauler" shall not include any person owning, controlling, operating, or managing any motor vehicle

operated exclusively in transporting agricultural, horticultural, or dairy or other farm products from the point of production to the market.

g. The words "between fixed termini" or "over a regular route" mean the termini or route between or over which any contract hauler usually or ordinarily operates any motor vehicle, even though there may be departures from said termini or route, whether such departures be periodic or irregular. Whether or not any motor vehicle is operated by any contract hauler "between fixed termini" or "over a regular route" within the meaning of this act shall be a question of fact.

"Between fixed termini."

"Over a regular route."

SEC. 2. No person, except he be a certificated operator, shall engage in the business of transporting property by motor vehicle for compensation over any public highway between fixed termini or over a regular route, unless such person prior to engaging in such business make a written contract or contracts with all persons for whom such transportation is to be furnished clearly stating the agreed compensation for such transportation, and prior to engaging in such business shall file such contract or contracts with the department.

SEC. 3. The department is hereby vested with power and authority, and it is hereby made its duty to supervise and regulate every contract hauler; to fix, alter and amend just, fair, reasonable and sufficient rates, rules and regulations of each such contract hauler; to regulate the accounts, service and safety of operations of each such contract hauler; to require the filing of annual and other reports and of other data by such contract haulers; and to supervise and regulate contract haulers in all matters as aforesaid affecting the relationship between such contract haulers and the persons to whom they furnish transportation. The department shall have power and authority, by general order or otherwise,

Contract haulers : Regulation and supervision of.

to prescribe rules and regulations in conformity with this act, applicable to any and all such contract haulers; and within such limits shall have power and authority to make orders and to prescribe rules and regulations affecting contract haulers.

Application
for permit.

SEC. 4. No contract hauler shall hereafter operate without first having obtained from the department a permit so to do, issued under the provisions of this act. Application for such permit shall be made to the department in writing and shall state the ownership, financial condition, equipment to be used and physical property of the applicant, the fixed termini between which or regular route over which applicant proposes to operate, the nature of the transportation to be engaged in and such other information as the department may require, and such application shall have attached thereto the original or duly verified copies of all contracts to furnish transportation as hereinbefore described. The department shall have power, after hearing when the applicant requests a permit to operate in a territory already served by a certificated operator, who shall be given notice thereof; and in all other cases with or without hearing, to issue said permit as prayed for, or for good cause shown to refuse to issue same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said permit such terms and conditions as, in its judgment, will promote safety upon the highways and conservation of their use in the public interest. The department shall deny any application for a permit when the type of vehicle to be used is an unsafe vehicle to be operated upon the public highways, and when it is not shown that the applicant has complied with the provisions of this act and with the existing motor vehicle laws of the State of Washington.

Contents.

Unsafe
vehicles.

SEC. 5. The department shall, in the granting of permits to contract haulers under this act, require the owner or operator to first procure liability and property damage insurance from a company licensed to make liability insurance in the State of Washington or a surety bond of a company licensed to write surety bonds in the State of Washington on each motor vehicle used or to be used in transporting property, for compensation, in the amount of not less than five thousand dollars (\$5,000.00) for any recovery for personal injury by one person and not less than ten thousand dollars (\$10,000.00) for all persons receiving personal injury by reason of one act of negligence and not less than one thousand dollars (\$1,000.00) for damage to property of any person other than the assured, and in such additional amounts for personal injuries and damage to property as the department shall determine, and maintain such liability and property damage insurance or surety bond in force on each motor vehicle while so used. Each policy for liability or property damage insurance or surety bond required herein shall be filed with the department and kept in full force and effect and failure so to do shall be cause for the revocation of the permit.

Liability
and
property
damage
insurance.

SEC. 6. Upon the filing of an application for a permit and compliance with all lawful requirements, the department is hereby vested with power and authority to grant a permit to the applicant, which permit shall set forth the name and address of the person to whom the permit is granted, the names and addresses of its officers, if any, the nature of the transportation to be engaged in, the territory, termini and route to be covered by the operation and a description of the vehicles to be used therein, including weight, size and carrying capacity. The department shall have power to supervise and regulate the rates, facilities, service and safety of oper-

Permit:

ations of every such contract hauler for the purpose of promoting safety upon the highways and the conservation of their use, and to regulate and supervise the accounts and method of operation of the same; to prescribe such rules and regulations as it may deem necessary in carrying out the provisions of this act; and to supervise and regulate all contract haulers in all matters affecting the relationship between such contract haulers and the persons to whom they furnish transportation.

Form of.

SEC. 7. The department shall prescribe forms of applications for permits for the use of prospective applicants and shall make regulations for the filing thereof. All applications for such permits shall be accompanied by an application fee of twenty-five dollars (\$25.00).

Fee.

Not
assignable.

SEC. 8. No permit issued under the authority of this act shall be subject to assignment or transfer. No permit issued in accordance with the terms of this act shall be construed to be irrevocable. Every contract hauler who shall cease operations and abandon his rights under the permit issued shall notify the department within thirty days of such cessation or abandonment.

Suspension
or revocation.

SEC. 9. The department may at any time for good cause suspend or revoke such permit upon at least ten days' notice to the grantee and an opportunity to be heard.

Copies of
contracts
to carry
to be filed.

SEC. 10. To the end that the department may enforce the provisions of this act, each contract hauler shall maintain on file with the department the original or duly verified copies of each contract for the furnishing of transportation as hereinbefore described, and of such other matters as the department may require. No contract hauler shall charge, demand, collect or receive a greater or less or different compensation for the transportation of

property or for any service in connection therewith, than the compensation stated in the contract or contracts filed by it with the department as herein required; nor shall any such contract hauler refund or remit in any manner or by any device any portion of the compensation as provided by said contract or contracts on file with the department or ordered by the department.

SEC. 11. No contract hauler, its officers or agents, shall require or permit any driver or operator of any motor vehicle used in the transportation of property to be or remain on duty for a longer period than ten consecutive hours, and whenever any such driver or operator shall have been continuously on duty for ten hours he shall be relieved and not required or permitted again to go on duty until he has had at least eight consecutive hours off duty; and no such driver or operator who has been on duty ten hours in the aggregate in any twenty-four hour period shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty: *Provided*, That the provisions of this section shall not apply to any case of casualty or unavoidable accident or the act of God, nor to the crews of wrecking or relief motor vehicles.

Number
of hours
on duty.

Accidents,
acts of
God, etc.

SEC. 12. 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.

Complaints,
hearings,
orders,
review.

For hire
carriers :

SEC. 13. The term "for hire carrier" means every person, owning, controlling, operating or managing any motor vehicle used in the business of transporting property for compensation over any public highway, except such persons as are included in the terms "certificated operator" and "contract hauler" as hereinbefore defined, not operating exclusively within the incorporated limits of any city or town.

Application
for permit.

SEC. 14. No for hire carrier shall hereafter operate without first having obtained from the department a permit so to do, issued under the provisions of this act. Application for such permit shall be made to the department in writing and shall state the ownership, equipment to be used and physical property of the applicant, the nature of the transportation to be engaged in, and such other information as the department may require. The department shall have power, in all cases, with or without hearing, to issue said permit as prayed for, or for good cause shown to refuse to issue same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said permit such terms and conditions as, in its judgment, will promote safety upon the highways and conservation of their use in the public interest. The department shall deny any application for a permit when the type of vehicle to be used is an unsafe vehicle to be operated upon the public highway, and when it is not shown that the applicant has complied with the provisions of this act and with the existing motor vehicle laws of the State of Washington. Upon compliance with the regulations the department shall issue a permit to such applicant.

SEC. 15. The department shall, in the granting of permits to for hire carriers under this act, require the owner or operator to first procure liabil-

ity and property damage insurance from a company licensed to make liability insurance in the State of Washington or a surety bond of a company licensed to write surety bonds in the State of Washington on each motor vehicle used or to be used in transporting property, for compensation, in the amount of not less than five thousand dollars (\$5,000.00) for any recovery for personal injury by one person and not less than ten thousand dollars (\$10,000.00) for all persons receiving personal injury by reason of one act of negligence and not less than one thousand dollars (\$1,000.00) for damage to property of any person other than the assured, and in such additional amounts for personal injuries and damage to property as the department shall determine, and maintain such liability and property damage insurance or surety bond in force on each motor vehicle while so used. Each policy for liability or property damage insurance or surety bond required herein shall be filed with the department and kept in full force and effect and failure so to do shall be cause for revocation of the permit.

Liability and
property
damage
insurance.

SEC. 16. Upon the filing of an application for a permit to operate as a for hire carrier and compliance with all lawful requirements the department is hereby vested with power and authority to grant a permit to the applicant, which permit shall set forth the name and address of the person to whom the permit is granted, the names and addresses of its officers, if any, the nature of the transportation to be engaged in, and a description of the vehicle to be used therein, including weight, size and carrying capacity. The department shall have power to supervise and regulate the facilities, service and safety of the operations of every such for hire carrier for the purpose of promoting safety upon the highways and the conservation of their use and to regulate and supervise the accounts and methods

Permit :

of operation of the same; and to prescribe such rules and regulations as it may deem necessary in carrying out the provisions of this act.

Forms.

SEC. 17. The department shall prescribe forms of application for the use of prospective applicants for permits as for hire carriers under the provisions of this act and shall make regulations for the filing thereof. All applications for such permits shall be accompanied by an application fee of ten dollars (\$10.00).

Fee.

Not
assignable.

SEC. 18. No permit issued under the authority of this act shall be subject to assignment or transfer. No permit issued in accordance with the terms of this act shall be construed to be irrevocable. Every for hire carrier who shall cease operation and abandon his rights under the permit issued shall notify the department within thirty days of such cessation or abandonment.

Suspension
or revocation.

SEC. 19. The department may at any time, for good cause, suspend or revoke any for hire carrier permit upon at least ten days' notice to the grantee and an opportunity to be heard.

Number
of hours
on duty.

SEC. 20. No for hire carrier, its officers or agents, shall require or permit any driver or operator of any motor vehicle used in the transportation of property to be or remain on duty for a longer period than ten consecutive hours, and whenever any such driver or operator shall have been continuously on duty for ten hours he shall be relieved and not required or permitted again to go on duty until he has had at least eight consecutive hours off duty; and no such driver or operator who has been on duty ten hours in the aggregate in any twenty-four hour period shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty: *Provided*, That the provisions of this sec-

tion shall not apply in any case of casualty or unavoidable accident or the act of God, nor to the crews of wrecking or relief motor vehicles.

Act of God,
etc.

SEC. 21. The term "private carrier" means any person engaged in the transportation in his own motor vehicle, of property sold or to be sold by him in the furtherance of any private commercial enterprise or for the purpose of lease, rent or bailment.

Private
carriers:

SEC. 22. No private carrier shall operate any motor vehicle for the transportation of property on any public highway except in accordance with the provisions of this act.

SEC. 23. The department is hereby vested with power and authority, and it shall be its duty, to issue permits to private motor carriers of property and to require the filing of such information and data as may be required by the department. Such permit shall set forth the name and address of the person to whom the permit is granted, the names and addresses of its officers, if any, the nature of the transportation to be engaged in, the territory to be covered by the operation and a description of the vehicle or vehicles to be used therein, including weight, size and carrying capacity. The department shall have power and authority, by general order or otherwise, to prescribe reasonable and necessary rules and regulations conformable to this act governing all private motor carriers of property.

Permits.

SEC. 24. It shall be unlawful for any private motor carrier of property to operate within this state without first having obtained from the department a permit therefor. An application shall be made to the department in writing, stating the ownership, equipment to be used by the applicant, and such other information as the department may request. Upon receipt of such information, and on

Application
for.

compliance with the regulations, the department shall issue a permit to such applicant.

Forms.

SEC. 25. The department shall prescribe forms of applications for such permits for the use of prospective applicants and shall make regulations for the filing thereof.

Non-assignable.

SEC. 26. No permit issued under the authority of this act shall be subject to assignment or transfer. Subject to any right a holder of a permit may have to engage in interstate commerce, no permit issued in accordance with the terms of this act shall

Revocable.

be construed to be irrevocable. Every private motor carrier of property who shall cease operation and abandon his rights under the permit issued shall notify the department within thirty days of such cessation or abandonment. The department may at any time, for good cause, suspend, and upon at least ten days' notice to the grantee of any permit, and an opportunity to be heard, revoke such permit.

Suspension.

Amends § 15, ch. 96, Laws of 1931; § 1, ch. 140, Laws of 1931.

SEC. 27. That section 15 of chapter 96 of the Laws of 1921, as amended by section 1 of chapter 140 of the Laws of 1931, be amended to read as follows:

Registration fees.

Section 15. Except as otherwise specifically provided by law for the registration of each motor vehicle, there shall be paid and collected annually three dollars (\$3.00); and in addition thereto, for each for-hire car, auto stage or auto stage trailer, four dollars and fifty cents (\$4.50) per seat for the seating capacity thereof; and for each truck or trailer the following fees, based upon the maximum rated carrying capacity thereof: 5,000 lbs. or less, 75c per hundred weight or fraction thereof; over 5,000 lbs. and not to exceed 10,000 lbs., 85c per hundred weight or fraction thereof; over 10,000 lbs. and not to exceed 15,000 lbs., 95c per hundred weight or fraction thereof; over 15,000 lbs. and not to exceed

Rate base.

20,000 lbs., \$1.05 per hundred weight or fraction thereof; over 20,000 lbs. the last mentioned rate shall be increased 10c per hundred weight or fraction thereof for each ton the maximum rated carrying capacity exceeds 20,000 lbs.: *Provided*, No such fee shall exceed six hundred dollars (\$600.00); and in case any such vehicle shall be propelled by steam or electricity, gas or other fuel upon which an excise tax on liquid fuel has not been provided by this act, an additional fee of seventy-five cents (75c) per hundred weight or fraction thereof of such vehicle's gross weight shall be paid and collected in lieu of such excise tax: *Provided*, That the fee for any truck or trailer used only for the purpose of transporting any well-drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house or similar machine or structure attached to and made a part thereof, shall be three dollars (\$3.00): *Provided, further*, That no additional fee shall be required to be paid upon trucks or trailers of a maximum rated carrying capacity of one-half ($\frac{1}{2}$) ton or less when the same is used by the owner solely for carrying his own produce or property.

Maximum fee.

Trucks and trailers, exclusive use.

Produce.

Annual fees for dealer's licenses, and dealer's license plates and fees for additional plates, shall be paid and collected as follows: Dealers in motorcycles and motor vehicles five dollars (\$5.00) including one set of dealer's license plates, and additional sets of license plates bearing the same number, two dollars (\$2.00) per set of two plates.

Dealer's licenses:

Fees.

It shall be unlawful for the owner or operator of any motor vehicle, truck or trailer not licensed annually for hire to carry passengers therein for hire.

The increased fees prescribed in this section shall become effective January 1, 1934.

Revenue
statement.

SEC. 28. Every "contract hauler" and "for hire carrier" operating under the provisions of this act shall between the first and fifteenth days of January, April, July and October of each year, file with the director of public works a statement showing the gross operating revenue of such hauler or carrier for the preceding three months, or portion thereof, and shall pay to the said director a fee of one per cent of the amount of such gross operating revenue.

Fee.

Disposition
of funds.

All moneys collected under this act, except those collected under section 27, are for the purpose of carrying out the provisions of this act, and shall be paid into the state treasury and credited to the public service revolving fund.

Appropriation.

SEC. 29. For the purpose of carrying out the provisions of this act there is hereby appropriated from the public service revolving fund the sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary.

Adminis-
tration.

SEC. 30. The department is hereby empowered to administer and enforce all provisions of this act and to inspect the vehicles, books and documents of all carriers to which this act applies. The department shall employ such inspectors and highway patrolmen as it may deem necessary for the enforcement of this act, and it shall be the duty of the Washington state patrol to assist in the enforcement of this act, and the duty of the attorney general to assign at least one assistant to the exclusive duty of assisting the department in the enforcement of this act, and the prosecution of persons charged with the violation thereof.

SEC. 31. The department shall promulgate and mail to each holder of a permit hereunder, such regulations as it may deem necessary to properly carry out the provisions and purposes of this act.

SEC. 32. The department shall prescribe an identification card which must be displayed within the cab of each motor vehicle, setting out the permit number and the route or territory over which the vehicle is authorized to operate, giving the name and address of the owner of said permit. It shall be unlawful for the owner of said permit, his agent, servant or employee, or any other person to use or display said identification card after said permit has been cancelled or disposed of. The identification card provided for herein may be in such form and contain such information as required by the department. It shall be unlawful for any owner of a permit, his agent, servant or employee, to display upon any motor vehicle the permit number, or other insignia of authority from the department after said permit has expired, or has been cancelled.

Identification card.

SEC. 33. It shall be unlawful for any contract hauler, for hire carrier or private carrier as hereinbefore defined 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. Each of such plates shall be designed so as to identify the vehicle on which the same is attached as being a vehicle authorized to operate under the terms of this law; said plate shall bear the number given to the vehicle by the department and such other marks of identification as may be necessary. The plates for contract hauler vehicles, for hire carrier vehicles and private carrier vehicles, shall be different in design. The identification plates provided for herein shall be in addition to the regular license plates required by law. It shall be the duty of the department to provide these plates and each motor vehicle operating in this state shall display such plates as soon as the same are received and

Identification plate.

such plates shall be issued annually thereafter and attached to each motor vehicle not later than January first of each year, or as soon thereafter as possible. The department shall be authorized to collect from the applicant a fee of one dollar for each pair of plates so issued, and all fees for such plates shall be deposited in the state treasury to the credit of the public service revolving fund.

Fee.

Violations.

SEC. 34. Every person who violates or who procures, aids or abets in the violating of any provisions of this act, or who fails to obey any order, decision or regulation of the department, or who procures or aids or abets any person in his failure to obey such order, decision or regulation, shall be deemed guilty of a gross misdemeanor, and upon conviction shall be punished by a fine of not exceeding five hundred dollars (\$500.00), or imprisonment in the county jail for not more than one hundred and twenty (120) days, or both such fine and imprisonment. The inspectors and highway patrolmen designated by the department and members of the Washington state patrol shall have all the lawful powers of peace officers to enforce this act in any county or city of this state. Upon conviction of any person, firm or corporation for a second violation of this act, the court or judge before whom such conviction is had shall, in addition to any other penalty imposed, suspend the certificate of registration covering the vehicle involved in such violation for a period of thirty days, and for a third or subsequent conviction the court or judge shall, in addition to any other penalty imposed, suspend the permit of the owner of the vehicle involved in such violation for a period of three months. Each day's violation of this act or any order, decision, rule or regulation of the department shall constitute a separate offense.

Penalty.

Second violation.

Subsequent violation.

SEC. 35. It shall be the duty of the sheriffs of the counties to make arrests and the county attorneys to prosecute violations of this act. County attorneys.

SEC. 36. If any section, subsection, clause, sentence or phrase of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act. Partial invalidity.

SEC. 37. This act shall apply to persons and motor vehicles engaged in interstate commerce to the full extent permitted by the constitution and laws of the United States. Scope of act.

SEC. 38. The provisions of this act shall be cumulative. Nothing herein contained shall amend, change or modify any provisions of chapter 111 of the Session Laws of 1921, or acts amendatory thereof or supplemental thereto. Cumulative

Passed the Senate February 24, 1933.

Passed the House March 8, 1933.

Approved by the Governor March 18, 1933.