

CHAPTER 79.

[S. B. 230.]

PUBLIC SERVICE COMPANIES.

AN ACT relating to public service companies and the duties of the public service commission in relation thereto, prescribing fees, allowing court costs, providing penalties, amending RCW 80.04.040, 80.04.290, 81.04.040, 81.04.240, 81.04.290 and 81.80.320, and amending chapters 81.04 and 81.80 by adding new sections thereto.

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

SECTION 1. Section 76, chapter 117, Laws of 1911 and RCW 80.04.040 are each amended to read as follows: Amendment.

Each witness who shall appear under subpoena shall receive for his attendance four dollars per day and ten cents per mile traveled by the nearest practicable route in going to and returning from the place of hearing. No witness shall be entitled to fees or mileage from the state when summoned at the instance of the public service companies affected. Fees of witnesses under subpoena of public service commission.

SEC. 2. Section 1, chapter 110, Laws of 1923 and RCW 80.04.290 are each amended to read as follows: Amendment.

A corporate public service company, either heretofore or hereafter organized under the laws of this state, may sell to its employees and customers any increase of its capital stock, or part thereof, without first offering it to existing stockholders: *Provided*, That such sale is approved by the holders of a majority of the capital stock, at a regular or special meeting held after notice given as to the time, place, and object thereof as provided by law and the bylaws of the company. Such sales shall be at prices and in amounts for each purchaser and upon terms and conditions as set forth in the resolution passed at the stockholders' meeting, or in a resolution passed at a subsequent meeting of the board of trustees if the resolution passed at the stock- Sale of stock to employees and customers.

holders' meeting shall authorize the board to determine prices, amounts, terms, and conditions, except that in either event, a minimum price for the stock must be fixed in the resolution passed at the stockholders' meeting.

Amendment.

SEC. 3. Section 76, chapter 117, Laws of 1911 and RCW 81.04.040 are each amended to read as follows:

Fees of witnesses under subpoena of public service commission.

Each witness who appears under subpoena shall receive for his attendance four dollars per day and ten cents per mile traveled by the nearest practicable route in going to and returning from the place of hearing. No witness shall be entitled to fees or mileage from the state when summoned at the instance of the public service companies affected.

Amendment.

SEC. 4. Section 3, chapter 39, Laws of 1937 as amended by section 2, chapter 258, Laws of 1943 and RCW 81.04.240 are each amended to read as follows:

Action for reparations and overcharges.

If the public service company does not comply with the order of the commission for the payment of damages or overcharges within the time limited in the order, action may be brought in any superior court where service may be had upon the company to recover the amount of damages or overcharges with interest. The commission shall certify and file its record in the case, including all exhibits, with the clerk of the court within thirty days after such action is started and the action shall be heard on the evidence and exhibits introduced before the commission and certified to by it.

Certification and filing of record.

Requisites of judgment for complainant.

If the complainant shall prevail in the action, the court shall enter judgment for the amount of damages or overcharges with interest and shall allow complainant a reasonable attorney's fee, and the cost of preparing and certifying the record for the benefit of and to be paid to the commission by complainant, and deposited by the commission in the

public service revolving fund, said sums to be fixed and collected as a part of the costs of the action.

If the order of the commission is found contrary to law or erroneous by reason of the rejection of testimony properly offered, the court shall remand the cause to the commission with instructions to receive the testimony so proffered and rejected and enter a new order based upon the evidence theretofore taken and such as it is directed to receive.

Remanding of cause to commission.

The court may remand any action which is reversed by it to the commission for further action.

Appeals to the supreme court shall lie as in other civil cases. Action to recover damages or overcharges shall be filed in the superior court within one year from the date of the order of the commission.

Appeals.

The procedure provided in this section is exclusive, and neither the supreme court nor any superior court shall have jurisdiction save in the manner hereinbefore provided.

Procedure exclusive.

SEC. 5. There is added to chapter 81.04 RCW a new section to read as follows:

New section.

All complaints against public service companies for the recovery of damages not based on overcharges shall be filed with the commission within six months from the time the cause of action accrues, and not after, except as hereinafter provided.

All complaints against public service companies for recovery of overcharges shall be filed with the commission within two years from the time the cause of action accrues, and not after, except as hereinafter provided, and except that if claim for the overcharge has been presented in writing to the public service company within the two-year period of limitation, said period shall be extended to include six months from the time notice in writing is given by the public service company to the claimant of disallowance of

Limitation of actions for damages and overcharges.

the claim, or any part or parts thereof, specified in the notice.

Tolling of limitations.

If on or before expiration of the six-month period of limitation for the recovery of damages not based on overcharges or of the two-year period of limitation for the recovery of overcharges, a public service company begins action under RCW 81.28.270 for recovery of charges in respect of the same transportation service, or, without beginning action, collects charges in respect of that service, said period of limitation shall be extended to include ninety days from the time such action is begun or such charges are collected by the carrier.

New section.

SEC. 6. There is added to chapter 81.04 RCW a new section to read as follows:

Accrual of actions for damages and overcharges.

The cause of action for the purposes of sections 4 and 5 of this act and RCW 81.28.270 shall be deemed to accrue: (a) in respect of a shipment of property, upon delivery or tender of delivery thereof by the carrier, and not after; (b) in respect of goods or services other than a shipment of property, upon the rendering of an invoice or statement of charges by the public service company, and not after.

The provisions of this section shall extend to and embrace cases in which the cause of action has heretofore accrued as well as cases in which the cause of action may hereafter accrue, except that it shall not apply to actions begun or complaints filed prior to enactment of this section or within six months thereafter.

Amendment.

SEC. 7. Section 1, chapter 110, Laws of 1923 and RCW 81.04.290 are each amended to read as follows:

Sale of stock to employees and patrons.

A corporate public service company, either heretofore or hereafter organized under the laws of this state, may sell to its employees and patrons any increase of its capital stock, or part thereof, without first offering it to existing stockholders: *Provided*, That such sale is approved by the holders of a ma-

jority of the capital stock, at a regular or special meeting held after notice given as to the time, place, and object thereof as provided by law and the by-laws of the company. Such sales shall be at prices and in amounts for each purchaser and upon terms and conditions as set forth in the resolution passed at the stockholders' meeting, or in a resolution passed at a subsequent meeting of the board of trustees if the resolution passed at the stockholders' meeting shall authorize the board to determine prices, amounts, terms, and conditions, except that in either event a minimum price for the stock must be fixed in the resolution passed at the stockholders' meeting.

SEC. 8. Section 28, chapter 184, Laws of 1935, as last amended by section 1, chapter 104, Laws of 1943 and RCW 81.80.320 are each amended to read as follows: Amendment.

In addition to all other fees to be paid by him, every "common carrier" and "contract carrier" shall pay to the commission each year at the time of, in connection with, and before receiving his identification plates 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: Gross weight fees.

Less than 4,000 pounds.....	\$7.00
4,000 pounds or more and less than 6,000 pounds..	8.00
6,000 pounds or more and less than 8,000 pounds..	9.00
8,000 pounds or more and less than 10,000 pounds..	10.00
10,000 pounds or more and less than 12,000 pounds..	11.00
12,000 pounds or more and less than 14,000 pounds..	12.00
14,000 pounds or more and less than 16,000 pounds..	13.00
16,000 pounds or more and less than 18,000 pounds..	14.00
18,000 pounds or more and less than 20,000 pounds..	15.00
20,000 pounds or more and less than 22,000 pounds..	16.00
22,000 pounds or more and less than 24,000 pounds..	17.00
24,000 pounds or more and less than 26,000 pounds..	18.00
26,000 pounds or more and less than 28,000 pounds..	19.00
28,000 pounds or more and less than 30,000 pounds..	20.00
30,000 pounds or more and less than 32,000 pounds..	21.00
32,000 pounds or more and less than 34,000 pounds..	22.00

It is the intent of the legislature that the fees collected under the provisions of this chapter shall reasonably approximate the cost of supervising and regulating motor carriers subject thereto, and to that end the public service commission is authorized to decrease the schedule of fees provided in this section by general order entered before November first of any year in which it determines that the monies then in the motor carrier account of the public service revolving fund and the fees currently to be paid will exceed the reasonable cost of supervising and regulating such carriers during the next succeeding calendar year. Whenever the cost accounting records of the commission indicate that the schedule of fees as previously reduced should be increased such increase, not in any event to exceed the schedule set forth in this section, may be effected by a similar general order entered before November first. Any decrease or increase of gross weight fees as herein authorized, shall be made on a proportional basis as applied to the various classifications of equipment.

All fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be by it transmitted to the state treasurer within thirty days to be deposited to the credit of the public service revolving fund.

New section.

SEC. 9. There is added to chapter 81.80 RCW a new section to read as follows:

Alternative plates and fees.

Any common carrier or contract carrier may, as an alternative to complying with the requirements of the provisions of RCW 81.80.310, 81.80.314, and 81.80.316, operate any motor vehicle trailer or semi-trailer within this state without securing a plate or the payment of the gross weight fee therefor, or the identification card required by RCW 81.80.300 therefor, provided the carrier secures from the commission a plate for the motor propelled equipment used

to pull such trailer or semitrailer within this state and pays a fee of \$3.00 for each such plate and two times the applicable gross weight fee prescribed by RCW 81.80.320 for each piece of such propelled equipment. Such plates shall be different in design for the different classes of carriers, shall bear the number given to the vehicle by the commission, and be attached to the motor propelled equipment.

Any carrier who after the effective date of this act desires to avail himself of the alternative provided herein and who has acquired his plate and paid his fee for any piece of motor propelled equipment for the current year may convert to the alternate method provided herein by application to the commission who shall have power to issue the necessary plate therefor, accept such additional fee, make such refund or establish such credit as the case may be.

All fees collected hereunder shall be deposited in the state treasury for the credit of the public service revolving fund.

SEC. 10. There is added to chapter 81.80 RCW a New section. new section to read as follows:

Any motor carrier engaged in this state in the Single trip transit permits. casual or occasional carriage of property in interstate or foreign commerce, who would otherwise be subject to all of the requirements of this chapter, shall be authorized to engage in such casual or occasional carriage, upon securing from the commission a single trip transit permit, valid for a period not exceeding ten days, which shall authorize either a one way trip or one round trip in transporting property for compensation between points in the state of Washington and points in other states, territories, or foreign countries.

No identification plates and no regulatory fees other than as provided in this section shall be required for such permit. The permit must be carried

in the vehicle and a numbered identification placard, to be furnished by the commission, shall be attached by the operator to the side of the cab of the truck or tractor.

The permit shall be issued upon application to the commission or any of its duly authorized agents upon payment of a fee of ten dollars and the furnishing of proof of possession of public liability and property damage insurance in limits of at least five thousand dollars, for injury or death of any one person, and, subject to such limit as to any one person, for ten thousand dollars for injury or death of all persons caused by any one accident and for five thousand dollars for all damages to property caused by one accident. Such proof may consist of an insurance policy or a certificate of insurance.

Tax exemption.

The commission shall not be required to collect the excise tax prescribed by RCW 82.44.070 on any vehicle subject only to the payment of this fee.

Passed the Senate February 3, 1955.

Passed the House February 23, 1955.

Approved by the Governor March 4, 1955.