

## CHAPTER 71

[Engrossed Senate Bill No. 4484]

MOTOR FREIGHT CARRIERS—COMMERCIAL ZONES AND TERMINAL  
AREAS, ESTABLISHMENT OF

AN ACT Relating to motor freight carriers; amending section 81.80.010, chapter 14, Laws of 1961 as amended by section 1, chapter 69, Laws of 1967 and RCW 81.80.010; amending section 1, chapter 22, Laws of 1972 ex. sess. and RCW 81.80.400; amending section 2, chapter 22, Laws of 1972 ex. sess. and RCW 81.80.410; and adding a new section to chapter 81.80 RCW.

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

Section 1. Section 81.80.010, chapter 14, Laws of 1961 as amended by section 1, chapter 69, Laws of 1967 and RCW 81.80.010 are each amended to read as follows:

~~((When used in this chapter:))~~ The definitions set forth in this section apply throughout this chapter.

(1) "Person" means and includes an individual, firm, copartnership, corporation, company, or association or their lessees, trustees, or receivers.

(2) "Motor vehicle" means any truck, trailer, semitrailer, tractor, dump truck which uses a hydraulic or mechanical device to dump or discharge its load, 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.

(3) "Public highway" means every street, road, or highway in this state.

(4) "Common carrier" means any person who undertakes to transport property for the general public by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies.

(5) "Contract carrier" ~~((shall include))~~ includes all motor vehicle operators not included under the terms "common carrier" and "private carrier" as herein defined in paragraph (4) and paragraph (6), and further ~~((shall include))~~ includes any person who under special and individual contracts or agreements transports property by motor vehicle for compensation.

(6) A "private carrier" is a person who transports by his own motor vehicle, with or without compensation therefor, property which is owned or is being bought or sold by such person, or property of which such person is the seller, purchaser, lessee, or bailee where such transportation is incidental to and in furtherance of some other primary business conducted by such person in good faith.

(7) "Motor carrier" means and includes "common carrier," "contract carrier," "private carrier," and "exempt carrier" as herein defined.

(8) "Exempt carrier" means any person operating a vehicle exempted from certain provisions of this chapter under RCW 81.80.040.

(9) "Vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rail or tracks.

(10) "Commercial zone" means an area encompassing one or more cities or towns and environs adjacent thereto established pursuant to RCW 81.80.400 as now or hereafter amended.

(11) "Terminal area" means an area including one or more cities or towns and environs adjacent thereto established pursuant to RCW 81.80.400 as now or hereafter amended.

(12) "Common carrier" and "contract carrier" ((~~shall~~)) include persons engaged in the business of providing, contracting for, or undertaking to provide transportation of property for compensation over the public highways of the state of Washington as brokers or forwarders.

Sec. 2. Section 1, chapter 22, Laws of 1972 ex. sess. and RCW 81.80.400 are each amended to read as follows:

~~((When upon public hearing the commission has designated an area to constitute a commercial zone upon a finding that public convenience and necessity require such designation;))~~ There is hereby established for each city and town within the state a commercial zone and terminal area coextensive with the present geographic limits of the commercial zone and terminal area established for each such city and town by the interstate commerce commission pursuant to section 10526(b)(i) (formerly 203(b)(8)) of the Interstate Commerce Act. The commission shall promulgate and publish within ninety days of the effective date of this 1982 act, appropriate rules designating the area of the commercial zones and terminal areas established hereby. Any common carrier of general freight who ((in the usual and ordinary course of his business during the past twelve months immediately preceding such designation)), on the effective date of rules promulgated by the commission hereunder, has ((served as an inter-city carrier of)) general freight authority between any two ((cities)) points in such zone shall have the authority to serve as a common carrier of general freight between any points within the zone at rates prescribed by the commission: PROVIDED, HOWEVER, That any restrictions, other than territorial restrictions, on his authority to transport general freight shall remain in full force and effect. Any person thereafter seeking to serve as a common carrier of general freight within the zone shall be subject to all the requirements of this chapter and the rules of the commission applicable to persons seeking new or extended permit authority, except as exempted by RCW 81.80.040. ((Commercial zone as used herein is declared to mean an area including one or more cities or towns and environs thereto, found by the commission to be commercially interdependent:))

Sec. 3. Section 2, chapter 22, Laws of 1972 ex. sess. and RCW 81.80-.410 are each amended to read as follows:

~~((When, following public hearing, the commission has designated an area to constitute a terminal area upon a finding that the same is required by public convenience and necessity;)) Any common carrier ((having)) who, on the effective date of rules promulgated by the commission hereunder, has general freight authority between a city or town within ((such)) a commercial zone or terminal area and a city or town without such zone or area ((on the effective date of such designation)) may as part of inter-city service perform pickup and delivery any place in such zone or area at rates prescribed by the commission. ((Terminal area is declared to mean an area including one or more cities or towns, and environs adjacent thereto, which is found by the commission to be commercially interdependent.))~~

NEW SECTION. Sec. 4. There is added to chapter 81.80 RCW a new section to read as follows:

The commission may, by rule, expand the geographic scope of any commercial zone and/or terminal area upon a finding that public convenience and necessity require such expansion.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 17, 1982.

Passed the House March 5, 1982.

Approved by the Governor March 26, 1982.

Filed in Office of Secretary of State March 26, 1982.

## CHAPTER 72

[Senate Bill No. 4491]

### SUPREME COURT, JUDGES PRO TEMPORE

AN ACT Relating to judges pro tempore of the supreme court; amending section 1, chapter 40, Laws of 1963 and RCW 2.04.240; and amending section 2, chapter 40, Laws of 1963 as amended by section 1, chapter 186, Laws of 1981 and RCW 2.04.250.

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

Section 1. Section 1, chapter 40, Laws of 1963 and RCW 2.04.240 are each amended to read as follows:

(1) DECLARATION OF POLICY. Whenever necessary for the prompt and orderly administration of justice, as authorized and empowered by Article IV, section 2(a), Amendment 38, of the state Constitution, a majority of the supreme court may appoint any regularly elected and qualified judge of the court of appeals or the superior court or any retired judge