

sections 6304, 6305, 6306, 6307, and 6309 of Remington's Compiled Statutes are hereby repealed.

Passed the House March 11, 1931.

Passed the Senate March 9, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 119.

[H. B. 368.]

DECISIONS OF DEPARTMENT OF PUBLIC WORKS.

AN ACT relating to public service properties and utilities; providing for the regulation thereof; prescribing procedure in matters relating thereto, and amending Sections 10428 and 10429 of Remington's Compiled Statutes of Washington; repealing certain acts and declaring that this act shall take effect immediately.

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

SECTION 1. That section 10428 of Remington's Compiled Statutes be amended to read as follows:

Amends
§ 10428, Rem.
Comp. Stat.

Section 10428. Any complainant or any public service company affected by any order of the department of public works (save and except orders determining the amount of reparation and/or overcharge), and deeming said order to be contrary to law, may, within thirty days after the service of the order upon him, or it, apply to the chief justice of the supreme court of the State of Washington for a writ of review, for the purpose of having the reasonableness and lawfulness of said order inquired into and determined. Such writ shall be made returnable not later than thirty days from and after the date of the issuance thereof, unless upon notice to all parties affected a further time be fixed by the chief justice, and shall direct the department to certify its record in the case to the supreme court. The cause shall be heard by the court at such time subsequent to the return day as the court shall direct.

Orders of
department
subject to
review.

Writ
issued.

Returnable.

Record.

Said cause shall be heard by the court upon the record made before the department and certified to by said department and shall consist of a transcript of the testimony, together with all exhibits introduced or offered and rejected, and a transcript of the proceedings before the department. Briefs and abstract (where the statement of facts contains over 100 pages) shall be prepared, served and filed in conformity with the rules of the supreme court governing appeals, except that the time for the service and filing of the abstract and opening brief as provided in said rules shall run from the day of the issuance of the writ by the chief justice as hereinbefore provided. The general laws relating to appeals to the supreme court shall, so far as applicable and not in conflict with the provisions of this act, apply to writs of review taken under the provisions of this act. Upon such hearing the supreme court shall enter such judgment as it deems proper, and the court may, in its discretion, remand any cause which is reviewed by it to the department for further action.

Briefs,
abstracts.

Judgment.

Courts'
jurisdiction.

No court of this state (except the supreme court to the extent herein specified) shall have jurisdiction to review, reverse, correct or annul any order or decision of the department or to suspend or delay the execution or operation thereof, or to enjoin, restrain or interfere with the department in the performance of its official duties: *Provided*, That the writs of mandamus and prohibition shall lie from the supreme court to the department in all proper cases.

Amends
§ 10429, Rem.
Comp. Stat.

SEC. 2. That section 10429, of Remington's Compiled Statutes be amended to read as follows:

Stay of
order.

Section 10429. The pendency of any writ of review shall not of itself stay or suspend the operation of the order of the department, but the supreme court in its discretion may restrain or suspend, in whole or in part, the operation of the department's

order pending the final hearing and determination of the suit.

No order so restraining or suspending an order of the department relating to rates, fares, charges, tolls, or rentals, or rules or regulations, practices, classifications or contracts affecting the same, shall be made by the supreme court otherwise than upon three days' notice and after hearing: *Provided, however,* That when any rate has been in force for any length of time exceeding one year, and such rate is advanced by the public service company, and the order of the department reinstates such prior rate, in whole or in part, no supersedeas shall be allowed in any case from such order pending the final determination of the cause by the supreme court.

Order of suspension, notice.

In case the order of the department under review is superseded by the court, it shall require a bond, with good and sufficient surety, conditioned that such company petitioning for such review shall answer for all damages caused by the delay in the enforcement of the order of the department, and all compensation for whatever sums for transportation, transmission or service any person or corporation shall be compelled to pay pending the review proceedings in excess of the sum such person or corporation would have been compelled to pay if the order of the department had not been suspended. Such bond may name the State of Washington as obligee therein for the benefit of whom it may concern, instead of naming any respondent or other party as obligee.

Bond.

The court may, in addition to or in lieu of the bond herein provided for, require such other or further security for the payment of such excess charges or damages as it may deem proper.

Additional security.

SEC. 3. That section 10430 of Remington's Compiled Statutes is repealed; that section 10441 of Remington's Compiled Statutes, insofar as it con-

Repeals § 10430 and as to conflict § 10441, Rem. Comp. Stat.

ficts herewith, and all other acts and parts of acts in conflict herewith, are hereby repealed.

Saving as
to pending
proceedings.

SEC. 4. This act shall not affect any proceeding or action pending in any court whatever at the time this act shall take effect.

Effective
immediately.

SEC. 5. This act is necessary for the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 7, 1931.

Passed the Senate March 11, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 120.

[S. B. 112.]

MOTOR VEHICLE LICENSES OF NONRESIDENTS.

AN ACT relating to the use of public highways, the licensing of motor vehicles, amending Chapter 96 of the Laws of 1921, as amended by Chapter 99, Laws of 1929.

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

Amends
§ 11, ch. 96,
Laws 1921;
ch. 99,
Laws 1929.

SECTION 1. That section 11 of chapter 96 of the Laws of 1921, as amended by chapter 99, Laws of 1929, be amended to read as follows:

Registration
for non-
residents not
required.

Section 11. Except as is herein provided for foreign corporations, the provisions of this act relative to the registration of motor vehicles and display of license numbers and licenses shall not apply to any motor vehicle or motorcycle owned by non-residents of this state if the owner thereof has complied with the law requiring the registration of motor vehicles or motorcycles or the names of the owners thereof in force in the state, foreign country or province, territory or federal district of his residence; and the registration number showing the initial or abbreviation of the name of such state, foreign coun-