

CHAPTER 6.

[S. B. 11.]

WASHINGTON PUBLIC SERVICE COMMISSION—
REGULATION OF STEAMBOAT COMPANIES.

AN ACT relating to steamboat companies—operation by counties, cities and Port districts; providing for additional regulation, and amending chapter 117 of the Laws of 1911, as amended by chapter 248 of the Laws of 1927 (sec. 10361-1, Rem. Rev. Stat.), and declaring an emergency.

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

Amendment.

SECTION 1. Section 25-a added to chapter 117 of the Laws of 1911 by section 1 of chapter 248 of the Laws of 1927 (sec. 10361-1 Rem. Rev. Stat.), is amended to read as follows:

Vessels and ferries.

Section 25-a. No steamboat company shall hereafter operate any vessel or ferry for the public use for hire between fixed termini or over a regular route upon the waters within this state, including the rivers and lakes and Puget Sound, without first applying for and obtaining from the Washington Public Service Commission a certificate declaring that public convenience and necessity require such operation: *Provided*, That no certificate shall be required for a vessel primarily engaged in transporting freight other than vehicles, whose gross earnings from the transportation of passengers and/or vehicles, are not more than ten per cent (10%) of the total gross earnings of such vessel: *Provided*, That nothing herein shall be construed to affect the right of any county within this state to construct, condemn, purchase, operate or maintain, itself or by contract, agreement or lease, with any person, firm or corporation, ferries or boats across or wharfs at or upon the waters within this state, including rivers and lakes and Puget Sound, provided such operation is not over the same route or between the same districts, being served by a cer-

Certificate required.

When certificate not required for freight carriers.

Counties may operate ferries and wharves.

May not compete with certificate carrier.

tificate carrier, nor shall this act be construed to affect, amend or invalidate any contract entered into prior to January 15, 1927, for the operation of ferries or boats upon the waters within this state, which was entered into in good faith by any county with any person, firm, or corporation, except that in case of the operation or maintenance by any county, city, town, port district, or other political subdivision by contract, agreement, or lease with any person, firm, or corporation, of ferries or boats across or wharfs at or upon the waters within this state, including rivers and lakes and Puget Sound, the Washington Public Service Commission shall have power and authority to regulate rates and services of such operation or maintenance of ferries, boats, or wharfs, to make, fix, alter or amend said rates, and to regulate service and safety of operations thereof, in the manner and to the same extent as it is empowered to regulate a steamboat company, notwithstanding the provisions of any act or parts of acts inconsistent herewith. Upon the filing of an application the commission shall give reasonable notice to any common carrier which might be adversely affected, of the time and place for hearing on such application. The commission shall have power after hearing, to issue the certificate as prayed for, or to refuse to issue it, or to issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require; but the commission shall not have power to grant a certificate to operate between districts and/or into any territory already served by an existing certificate-holder, unless such existing certificate-holder shall fail and refuse to furnish reasonable and adequate service: *Provided*, A certificate shall be granted when it shall appear to the

Prior contracts not invalidated.

Exception.

Operation by lease or contract.

Washington Public Service Commission jurisdiction.

Application for certificate.

Notice of hearing.

Discretion of commission.

No certificate if territory has service.

Certificate if operating prior to Jan. 15, 1927.

satisfaction of the commission that such steamboat company was actually operating in good faith over the route for which such certificate shall be sought, on January 15, 1927: *Provided, further,* That in case two or more steamboat companies shall upon said date have been operating vessels upon the same route, or between the same districts the Washington Public Service Commission shall determine after public hearing whether one or more certificates shall issue, and in determining to whom a certificate or certificates shall be issued, the commission shall consider all material facts and circumstances including the prior operation, schedules and services rendered by either of said companies, and in case more than one certificate shall issue, the commission shall fix and determine the schedules and services of the companies to whom such certificates are issued to the end that duplication of service be eliminated and public convenience be furthered. No certificate or any right or privilege thereunder held, owned or obtained under the provisions of this act shall be sold, assigned, leased, mortgaged or in any manner transferred, either by the act of the parties or by operation of law, except upon authorization by the commission first obtained. The commission may at any time by its order duly entered after hearing had upon notice to the holder of any certificate hereunder and an opportunity to such holder to be heard, suspend, revoke, alter, or amend any certificate issued under the provisions of this act, if the holder thereof wilfully violates or fails to observe the provisions or conditions of the certificate, or the orders, rules or regulations of the commission, or the provisions of this act.

Two or more carriers on same route.

To whom certificate issued.

Fixing schedules.

Certificate non-transferrable without authority of commission.

Suspension, etc., of certificate for breach of regulations.

Emergency.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety

of the state government and shall take effect immediately.

Passed the Senate July 21, 1950.

Passed the House July 20, 1950.

Approved by the Governor July 24, 1950.

CHAPTER 7.

[S. B. 14.]

DEFICIENCY APPROPRIATION—STATE EMPLOYEES'
RETIREMENT BOARD.

AN ACT making a deficiency appropriation to the State Employees' Retirement Board, and declaring an emergency.

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

SECTION 1. There is hereby appropriated from the State Employees' Retirement System Expense Fund to the State Employees' Retirement Board for salaries, wages and operations, the sum of twenty-six thousand, six hundred sixty-two dollars and fifty-one cents (\$26,662.51). Appropriation.

SEC. 2. This act is necessary for the support of the state government and shall take effect immediately. Emergency.

Passed the Senate July 19, 1950.

Passed the House July 20, 1950.

Approved by the Governor July 24, 1950.