

CHAPTER 163.

[S. H. B. 339.]

REGULATION OF TRANSPORTATION BY MOTOR
VEHICLE CARRIERS.

AN ACT relating to the transportation of property by motor vehicle over the public highways of the State of Washington, providing for additional supervision and regulation thereof, and the payment of fees, prescribing the powers and duties of certain state officers, and amending sections 5, 7 and 15 of chapter 184 of the Laws of 1935 as amended by sections 6, 7 and 13 of chapter 166 of the Laws of 1937, and section 11a of chapter 184, Laws of 1935 as added by section 10, chapter 166, Laws of 1937 (sections 6382-5, 6382-7, 6382-11a and 6382-15, Remington's Revised Statutes) and declaring that this act shall take effect immediately.

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

Amend-
ments.

SECTION 1. Section 5, chapter 184, Laws of 1935 (section 6382-5, Remington's Revised Statutes) as amended by section 6, chapter 166, Laws of 1937, is amended to read as follows:

Department
to issue
permit.

Section 5. No "common carrier," "contract carrier," or "temporary carrier" shall hereafter operate for the transportation of property for compensation in this state without first obtaining from the Department a permit so to do under the provisions of this act. Applications for common or contract carrier permits shall be on file for a period of at least thirty days prior to the granting thereof unless the Department finds that special conditions require the earlier granting thereof.

Applicant to
be financially
responsible.

No permit shall be granted if the Department finds that the applicant is not financially able, properly and adequately equipped and capable of conducting the transportation service applied for in compliance with the law and rules and regulations of the department, or if the applicant or any of its principal officers or stockholders fails, or has failed, to comply with the laws of the State of Washington.

Nothing contained in this act shall be construed to confer upon any person or persons the exclusive right or privilege of transporting property for compensation over the public highways of the State of Washington, but the department may deny an application when it appears clearly, after public hearing, that the additional service would unreasonably congest the highways or unreasonably endanger the stability and dependability of the service essential to the public needs.

Construction.

May deny.

Reasons.

The Department shall also consider the amount and type of service rendered in any area by any class of service and may deny an application for permit or extension if it appears that the grant of such permit or extension would not be in the interest of the shipping public or would tend to impair the stability or dependability of existing service essential to the public needs or requirements.

May deny if stability impaired.

SEC. 2. Section 7, chapter 184 of the Laws of 1935 as amended by section 7 of chapter 166 of the Laws of 1937 (section 6382-7 of Remington's Revised Statutes) is amended to read as follows:

Amendments.

Section 7. The department shall prescribe forms of application for permits and for extensions thereof for the use of prospective applicants, and shall make regulations for the filing thereof. Applications for permits and for extensions thereof shall be accompanied by the following fees:

Forms prescribed.

| | |
|--|---------|
| Applications for permits..... | \$25.00 |
| Applications for temporary permits..... | \$10.00 |
| Applications for extension of permits..... | \$10.00 |

Fees.

SEC. 3. Section 11-a of chapter 184, Laws of 1935, as added following section 11, thereof, by section 10 of chapter 166, Laws of 1937 (section 6382-11a, Remington's Revised Statutes) is amended to read as follows:

Amendments.

Section 11-a. The Department is hereby vested with power and authority and it is hereby made its duty, to make, fix, construct, compile, promulgate,

Duty of department.

Compile
tariffs.

publish and distribute tariffs containing compilations of rates, charges, classifications, rules and regulations to be used by all common carriers, as defined in this act, in this state. The Department, in compiling such tariffs, shall include within any given tariff compilation such carriers, groups of carriers, commodities, or geographical areas as it determines shall be in the public interest. Such compilations and publications may be made by the Department by compiling the rates, charges, classifications, rules and regulations now in effect, and may be amended and altered from time to time after notice and hearing, by issuing and distributing revised pages or supplements to such tariffs or reissues thereof in accordance with the orders of the Department. The proper tariff, or tariffs, applicable to a carrier's operations shall be available to the public at each agency and office of all common carriers, as defined in this act, operating within this state. Such compilations and publications shall be sold by the Department for not to exceed five dollars (\$5) for each tariff. Corrections to such publications shall be furnished to all subscribers to tariffs in the form of corrected pages to the tariffs, supplements or reissues thereof. In addition to the initial charge for each tariff, as above stated, the Department shall charge an annual maintenance fee of not to exceed five dollars (\$5) per tariff to cover the cost of issuing corrections or supplements and mailing same to subscriber: *Provided, however,* That copies may be furnished free to other regulatory bodies and departments of government and to colleges, schools and libraries. All copies of the compilations, whether sold or given free, shall be issued and distributed under rules and regulations to be fixed by the Department.

Method.

Available
to public.

Cost.

Corrections.

Amend-
ments.

SEC. 4. Section 15, chapter 184, Laws of 1935, as amended by section 13, chapter 166, Laws of 1937, is hereby amended to read as follows:

Section 15. Whether or not any motor vehicle is being operated upon the highways of this state within its proper classification, as defined by section 2 of this act, shall be a question of fact to be determined by the Department. Whenever the Department believes that any person, firm or corporation operating motor vehicles on the highways of this state is not operating within the proper classification, but is in fact a carrier of a different classification, it may institute a special proceeding, upon ten days' notice, requiring such person, firm or corporation to appear before the Department at a location convenient for witnesses and the production of evidence, and bring with him books, records, accounts, and other memoranda, and give testimony under oath as to his operations, and the burden shall rest upon such person of proving that his operations are properly classified under the provisions of this section. The Department may consider, in determining whether such operation is properly classified, the frequency of operation, amount and basis of compensation, whether title to property has been taken merely for the period of transportation or until delivery thereof at the point of destination, whether the carrier is regularly engaged in the buying and selling of the property transported as his principal business, whether an increased selling price assignable to the cost of transportation is charged for the property transported when delivered at the point of delivery as compared with the price charged when delivered at the point of shipment, and such other facts as indicate the true nature and extent of such operation and the receipt of compensation therefor, and all other facts that may indicate the true nature and extent of such operation upon the highways of this state and the receipt of compensation therefor in order to determine the carrier's proper classification under the terms of this act.

Operation a question of fact.

Department to compel operation within classification.

Procedure.

Method of computation.

To issue
classifying
order.

After having made the investigation herein described the Department is authorized and directed to issue the necessary and proper orders classifying such carrier as provided in section 2 herein in order to carry out the declaration of policy as set forth in section 1.

Applicant to
produce all
documents.

In proceedings under this section no person shall be excused from testifying or from producing any book, way-bill, document, paper or account before the Department when ordered to do so, on the ground that the testimony or evidence, book, way-bill, document, paper or account required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any account, transaction, matter or thing concerning which he shall under oath have testified or produced documentary evidence in proceedings under this section: *Provided*, That no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

Proviso.

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 February 27, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 21, 1941.