

policies, oral, written, or otherwise, to any person insured in any company for the purpose of inducing or tending to induce a policyholder in any company to lapse, forfeit, or surrender his insurance therein, and to take out a policy of insurance in another company insuring against similar risks; or is conducting his business in such a manner as to cause injury to the public and those dealing with him. Unless revoked by the commissioner, or unless the company by written notice to the commissioner cancels the agent's, solicitor's or broker's authority to act for it, such license and any other license issued to an agent, solicitor or broker or any renewal thereof shall expire on the thirty-first day of March next after its issue. But any license issued and in force when this act takes effect or thereafter issued, may, in the discretion of the commissioner, be renewed for a succeeding year or years by a renewal certificate without the commissioner's requiring the detailed information required by this act.

Expiration
of license.

Passed the House February 2, 1923.

Passed the Senate February 15, 1923.

Approved by the Governor February 23, 1923.

CHAPTER 27.

[S. B. 121.]

MILK AND MILK PRODUCTS.

AN ACT relating to milk and milk products, amending sections 6166, 6172, 6174, 6188, 6189, 6192, 6194, 6210, 6215, 6259 of Remington's Compiled Statutes and repealing sections 6173 and 6187 of Remington's Compiled Statutes.

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

SECTION 1. That Section 6166 of Remington's Compiled Statutes be amended to read as follows:

Section 6166. A creamery, milk plant, cheese factory, milk condensing factory or factory of milk

Amends Rem.
Comp. Stat.
§ 6166;
Pierce's Code
§§ 1855-3.

Factories
deemed
unsanitary.

products, and any store, market, depot, booth or other place where milk is handled, stored or kept for sale, shall be deemed unsanitary in the following cases:

(a) If milk or cream is received that has reached an advanced state of fermentation, or that shows a stage of putrefactive fermentation.

(b) If milk or cream be received, stored or kept in cans or other containers that have not been sterilized with boiling water or live steam after each delivery.

(c) If utensils and apparatus that come in contact with milk or its products in the process of manufacture are not thoroughly washed and sterilized by means of boiling water or live steam after each using.

(d) If the floor of such creamery, factory, plant, store, market, depot, booth or place is so constructed, or in such condition, as to permit the flowing or soaking of water, milk or other liquids underneath such floor, or among the interstices of such floor in such manner as to permit fermentation and decay to take place.

(e) If the condition of the floor in any such creamery, factory, plant, store, market, depot, booth or other place be such that it may not be readily kept free from dirt and filth.

(f) If drains are not provided that will convey refuse milk, water and sewage to a point at least fifty yards distant from such creamery, factory, plant, store, market, depot, booth or place.

(g) If any cesspool, privy vault, hog yard, slaughter house, hen house, manure, or any decaying vegetable or animal matter that will emit or produce foul odors, shall be permitted to exist within such distance as will permit the odors therefrom to reach any such creamery, factory, plant, store, mar-

ket, booth, depot or other place where milk or milk products are handled, stored or kept for sale.

(h) If such creamery, factory, plant, depot, booth, store, market or other place where milk or milk products are handled, stored, or kept for sale is so constructed, or is so maintained as not to permit access thereto of sufficient light and air to secure good ventilation.

(i) If in any building or buildings used in connection with any creamery, cheese factory, milk plant, milk condensing factory, or factory of milk products any insects, vermin or other species of animal life are permitted.

(j) If upon the floor of any creamery, cheese factory, milk plant, milk condensing factory or factory of milk products, or upon the sides of walls thereof, any milk or its products, or any other filth is allowed to accumulate, ferment or decay.

(k) If the body or wearing apparel of any person employed in any creamery, cheese factory, milk plant, milk condensing factory, or factory of milk products, or coming in contact therein with any milk or milk product, shall be unclean, or shall not be washed from time to time with reasonable frequency.

(l) If there shall be permitted to exist any other cause or thing calculated or tending to render the milk or its products produced, kept, handled, or manufactured in such creamery, plant, factory, store, booth, or depot unclean, impure and unhealthy.

SEC. 2. That section 6172 of Remington's Compiled Statutes be amended to read as follows:

Section 6172. No person shall sell, offer to sell or expose for sale any milk or cream taken from any cream separator kept in any stable or other building wherein any animal or fowl is housed or kept, or in any place where the conditions are unsanitary or where the air is foul or contaminated, or in the open air or in any place other than a milk house or milk

Amends Rem.
Comp. Stat.
§ 6172;
Pierce's Code
§§ 1855-9.

Separator.

Rem. Comp.
Stat. § 6165;
Pierce's Code
§§ 1855-2.

room as defined in paragraph (d) of section 6165 Remington's Compiled Statutes: *Provided*, That this section shall not be construed to prohibit the keeping of such cream separator in any room which is wholly separated by tightly ceiled or plastered partitions having no openings from that part of the stable or building in which milking cows are housed or kept: *And Provided further*, That any milk or cream produced or kept at any dairy must at all times while at said dairy be kept in a milk house or milk room as defined in paragraph (d) of section 6165 Remington's Compiled Statutes.

Repeals Rem.
Comp. Stat.
§ 6173;
Pierce's Code
§§ 1855-10.

SEC. 3. That section 6173 of Remington's Compiled Statutes is hereby repealed.

Amends Rem.
Comp. Stat.
§ 6174;
Pierce's Code
§§ 1855-11.

SEC. 4. That section 6174 of Remington's Compiled Statutes be amended to read as follows:

Pasteuriza-
tion.

Section 6174. That process of pasteurization as applied to milk, skimmed milk, cream and milk products is here defined and declared to be a process for the elimination therefrom of organisms harmful to human beings. Such process as applied to milk shall consist of uniformly heating such milk to a temperature of not less than one hundred and forty degrees Fahrenheit and of holding the same at such temperature for a period of not less than twenty-five minutes, and immediately thereafter of cooling such milk to a temperature of not above fifty degrees Fahrenheit. Such process as applied to skimmed milk, cream or other milk product shall consist of uniformly heating such skimmed milk, cream or milk product to a temperature of not less than one hundred and forty degrees Fahrenheit and of holding the same at such temperature for a period of not less than twenty-five minutes, or of heating the same to a temperature of one hundred and seventy-six degrees Fahrenheit, without holding: *Provided, however*, That whenever milk or cream shall be subjected to such process before being used in the manufac-

ture of butter or cheese, and when the process of ripening is to be commenced immediately, it shall not be necessary that such milk or cream be cooled to a lower temperature than is necessary for such ripening or starting: *And Provided further*, That the heating of milk to above one hundred and ten degrees Fahrenheit shall be considered as intent to pasteurize and that thereafter the process of pasteurization as defined herein must be completed and such milk marked and sold as pasteurized milk.

SEC. 5. That section 6187 of Remington's Compiled Statutes is hereby repealed.

Repeals Rem.
Comp. Stat.
§ 6187;
Pierce's Code
 §§ 1855-24.

SEC. 6. That section 6188 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.
Comp. Stat.
§ 6188;
Pierce's Code
 §§ 1855-25.

Section 6188. All tests of milk or cream sold, purchased or delivered on the basis of the amount of milk fat or butter fat contained therein shall be performed by a Babcock licensed tester. Such tester shall personally operate and conduct each test and shall be personally responsible to any person injured by any careless, negligent or unskillful operation thereof, and for any fraudulent, intentionally inaccurate or manipulated report or return of any such test: *Provided*, That it shall be the duty of each and every licensed Babcock tester to make and keep for a period of four months one or more legible carbon copies of the original report of each and every test made by him or her, and that the record or records of any and all tests shall be subject to examination at any and all times by the director of agriculture or his duly authorized agent or agents. Whoever violates the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined for each and every offence not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), and the license of the Babcock tester revoked. Any person, firm or corporation

Milk tests.

who refuses to allow, or fails to assist in such examination of records by an authorized representative of the department of agriculture may be enjoined in such complaint and punished by a like fine.

Amends Rem.
Comp. Stat.
§ 6189;
Pierce's Code
 §§ 1855-26.

SEC. 7. That section 6189 of Remington's Compiled Statutes be amended to read as follows:

License as
Babcock
tester.

Section 6189. Any person may receive from the department of agriculture a license as a Babcock licensed tester upon application therefor and upon the payment to said department of a license fee of two dollars (\$2.00) therefor. Before issuing such license the department of agriculture shall inquire into the qualifications of the applicant, and shall require such applicant to submit to examination as to his qualifications, and may require the applicant to submit to it satisfactory proof that he is of good moral character.

Amends Rem.
Comp. Stat.
§ 6192;
Pierce's Code
 §§ 1855-29.

SEC. 8. That section 6192 of Remington's Compiled Statutes be amended to read as follows:

Factories
licensed.

Section 6192. Every creamery, milk plant, shipping station, milk condensing plant, ice cream factory or factory of milk products, or other person receiving or purchasing milk or cream in bulk and not bottled, and by weight or measure or upon the basis of the amount of milk fat contained therein, shall annually obtain a license therefor. Such license shall be issued by the department of agriculture upon being satisfied that the building, structure, place or premises where such milk is to be received or purchased is maintained in a sanitary condition in accordance with the provisions of this act; and upon the payment to the department of a license fee of ten dollars (\$10.00) therefor. Such license shall be for the period of one year and shall expire on the 30th day of June subsequent to the date of its issue, and may be sooner revoked by the department of agriculture, upon reasonable notice to the licensee, if such licensee shall fail to comply with

the provisions of this act and the rules and regulations issued and promulgated by the department of agriculture under the authority of this act: *Provided, however,* That the provisions of this section shall not apply to individuals purchasing milk or cream for consumption by themselves or their families, nor to the owners or keepers of hotels, restaurants, boarding houses and eating houses purchasing milk or cream to be served or consumed therein.

SEC. 9. That section 6194 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.
Comp. Stat.
§ 6194;
Pierce's Code
 §§ 1855-32.

Section 6194. Milk vendor's licenses shall be issued by the department of agriculture upon application and upon the payment therefor of a license fee of two dollars (\$2.00). Such licenses shall be for the period of one year, unless sooner revoked, and shall expire on the 30th day of June next subsequent to the issue thereof. Each milk vendor's license shall contain the number of the license, and the name, residence and place of business, if any, of the licensee, and no such license shall be sold, assigned or transferred. Any milk vendor's license may be at any time revoked by the department of agriculture upon reasonable notice to the licensee, if such licensee shall be guilty of violation of or shall fail to comply with this act or any section or provision thereof, or shall violate or refuse or neglect to comply with any lawful regulation or order of the department of agriculture, or any officer, agent or inspector thereof.

Vendor's
license.

SEC. 10. That section 6210 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.
Comp. Stat.
§ 6210;
Pierce's Code
 §§ 1855-48.

Section 6210. No person, firm or corporation shall sell, expose or offer for sale, or exchange with, present or deliver to any creamery, milk plant, cheese factory, milk condensing factory, factory of milk products, or other buyer or consumer of milk

Sale of
impure milk.

or milk products, any unclean, unwholesome, adulterated, stale or impure milk, cream, butter or other milk product: *Provided*, That milk, cream or milk products when found to be rancid or in such condition as to be unfit for human consumption may be condemned and destroyed.

SEC. 11. That section 6215 of Remington's Compiled Statutes be amended to read as follows:

Section 6215. All milk shall be cooled in the dairy where it is produced to a temperature of not more than fifty-five degrees Fahrenheit within thirty minutes after the same is drawn from the cows, and shall not before being delivered to the milk plant, creamery, cheese factory, factory of milk products, or other place where the same is to be distributed, bottled, pasteurized or manufactured be permitted to reach a temperature above sixty degrees Fahrenheit, and all such milk shall thereafter be maintained at a temperature of not exceeding fifty degrees Fahrenheit until delivered to the consumer: *Provided*, Nothing in this section shall be deemed applicable to milk or cream while being subject to the process of pasteurization.

SEC. 12. That section 6259 of Remington's Compiled Statutes be amended to read as follows:

Section 6259. Any person, firm or corporation engaged in the manufacture, sale or transportation of milk, cream, ice cream or any other dairy product may adopt a mark or marks of ownership to be stamped, marked or otherwise affixed to any milk bottle, can, tub or case used in the manufacture, sale or transportation of any such product and may upon the payment of a fee of fifteen dollars (\$15.00) file an application for the exclusive right to use such mark or marks, in the office of the department of agriculture, which application shall contain the name and address of the applicant, a description of the mark or marks proposed and the use to be made of

Amends Rem.
Comp. Stat.
§ 6215;
Pierce's Code
§§ 1855-53.

Cooling
regulations.

Amends Rem.
Comp. Stat.
§ 6259;
Pierce's Code
§ 1902.

Containers,
ownership
marks.

the milk bottles, cans or tubs, or cases by such applicant. The department of agriculture shall refuse such application if such mark or marks of ownership shall be the same or so nearly similar to any mark or marks of ownership theretofore registered as to be misleading. Otherwise such application shall be granted and such fact, together with a description of the mark or marks of ownership, shall be entered in a register to be kept by said department of agriculture: *Provided*, That a mark or marks of ownership must be stamped, embossed or affixed by means of a metal plate, or in the case of wooden containers must be burned therein, and that upon the sale of any milk bottles, cans, tubs or containers so registered the mark or marks of ownership of said person, firm or corporation shall become void: *And Provided further*, That it shall be unlawful for any person, other than the registered owner thereof, to have or keep in his possession for the purposes of sale, barter or use, any such branded, stamped or marked can, bottle, tub or container, and the possession of any such branded, stamped or marked cans, bottles, tubs or containers by any junk dealer, or vender, shall be *prima facie* evidence of possession for the purpose of sale, barter or use, and in violation of this act, and when it shall come to the knowledge of the director of agriculture or his duly authorized agent that any such branded, stamped or marked can, bottle, tub or container is in the possession of any person, firm or corporation other than the registered owner thereof, the said director of agriculture or his authorized agent shall have the power to immediately seize and hold all such cans, bottles, tubs and containers until it shall be established to the satisfaction of the said director of agriculture or his duly authorized agent that such possession is in accordance with the provisions of this act. The said director of agriculture or his au-

thorized agent shall upon the establishment of the right of possession of such cans, bottles, tubs or containers release the same to the person, firm or corporation entitled to the possession thereof.

Passed the Senate February 8, 1923.

Passed the House February 13, 1923.

Approved by the Governor February 24, 1923.

CHAPTER 28.

[S. B. 54.]

LIMITATION OF ACTIONS.

AN ACT relating to limitation of actions and the accrual thereof and applying to actions now barred as well as those not barred, and amending section 159 of Remington's Compiled Statutes.

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

SECTION 1. That section 159 of Remington's Compiled Statutes of Washington be amended to read as follows:

Section 159. Within Three Years:

1. An action for waste or trespass upon real property;

2. An action for taking, detaining, or injuring personal property, including an action for the specific recovery thereof, or for any other injury to the person or rights of another not hereinafter enumerated;

3. An action upon a contract or liability, express or implied, which is not in writing, and does not arise out of any written instrument;

4. An action for relief upon the ground of fraud, the cause of action in such case not to be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the fraud;

Amends Rem.
Comp. Stat.
§ 159; Pierce's
Code § 8166.

Waste or
trespass.

Personal
property.

Contract not
in writing.

Fraud.