

Effective  
immediately.

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

Passed the House January 11, 1934.

Passed the Senate January 11, 1934.

Approved by the Governor January 17, 1934.

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## CHAPTER 55.

[S. H. B. 64.]

### MOTOR VEHICLES.

AN ACT relating to transportation by motor vehicles over the public highways of the State of Washington; providing for the supervision, regulation and taxation thereof and the payment of fees therefor; amending sections 1, 5, 13, 15, 16, 21, 23, 25, 28, 31, 32, 33 and repealing section 38 of chapter 166 of the Laws of 1933, and adding new sections thereto, and amending section 15, of chapter 96, Laws of 1921, as amended by section 27, chapter 166, Laws of 1933; providing penalties for the violation of this act; repealing provisions of existing laws in conflict herewith; and declaring an emergency.

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

Amends  
§ 1, ch. 166,  
Laws 1933.

SECTION 1. That section 1, chapter 166 of the Laws of 1933 be amended to read as follows:

Purpose  
of act.

Section 1. The business of operating as a motor carrier of property for hire along the highways of this state is declared to be a business affected with the public interest. The rapid increase of motor carrier freight traffic, and the fact that under existing law many motor trucks are not effectively regulated, have increased the dangers and hazards on public highways and make it imperative that more stringent regulations should be employed to the end that the highways may be rendered safer for the use of the general public; that the wear of such highways

may be reduced; that congestion of traffic on highways may be minimized; and that the use of the highways for the transportation of property for hire may be restricted to the extent required by the necessity of the general public. Wherefore, the legislature in the interest of the public safety and for the conservation of the highways and the preservation of the use thereof for the public, provides as follows:

(a) The term "person" when used in this act means and includes an individual, firm, co-partnership, corporation, company, association or their lessees, trustees or receivers. "Person."

(b) The term "department" means the department of public works of the State of Washington. "Department."

(c) The term "motor vehicle" means any truck, trailer, semitrailer, tractor 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. "Motor vehicle."

(d) The term "public highway" means every street, road or highway in this state. "Public highway."

(e) The term "certified freight carrier" means every person owning, controlling, operating or managing any motor propelled vehicle used in the business of transporting property for compensation as a common carrier between fixed termini or over a regular route over any public highway in the State of Washington, and not operating exclusively within the incorporated limits of any city or town: *Provided*, That the term "certified freight carrier" shall include every person engaged in the business of providing, contracting for, or undertaking to provide transportation of property for compensation by any motor propelled vehicle between fixed termini or over a regular route on any public highway in the State of Washington: *Provided, further*, That the "Certified freight carrier."

term "certified freight carrier" as used in this act shall not include any person owning, controlling, operating or managing any motor vehicle operated exclusively in transporting agricultural, horticultural or dairy or other farm products from the point of production to market.

"Contract hauler."

(f) The term "contract hauler" means every person owning, controlling, operating or managing any motor vehicle used in the business of transporting property for compensation, other than as a certified freight carrier, over any public highway between fixed termini or over a regular route, not operating exclusively within the incorporated limits of any city or town: *Provided*, That the term "contract hauler" shall not include any person owning, controlling, operating, or managing any motor vehicle operated exclusively in transporting agricultural, horticultural, or dairy or other farm products from the point of production to the market: *And provided, further*, That the terms "contract hauler" and "for hire carrier" as used in this act shall not include persons owning, controlling, operating or managing motor vehicles used exclusively in the transportation of United States mail, or used exclusively in the distribution of newspapers or periodicals from the publisher to individual subscribers.

"Between fixed termini."

(g) The words "between fixed termini" or "over a regular route" mean the termini or route between or over which any certified freight carrier or contract hauler usually or ordinarily operates any motor vehicle, even though there may be departures from said termini or route, whether such departures be periodic or irregular. Whether or not any motor vehicle is operated by any certified freight carrier or contract hauler "between fixed termini" or "over a regular route" within the meaning of this act shall be a question of fact.

SEC. 2. That chapter 166 of the Laws of 1933 be amended by adding after section 1 thereof a new section to be known as section 11½, to read as follows:

Amends  
ch. 166,  
Laws 1933.

Section 11½. (a) No person shall operate as a certified freight carrier on any public highway in this state except in accordance with this act.

Certified  
freight  
carrier.

(b) The department is hereby vested with power and authority, and it is hereby made its duty to supervise and regulate every certified freight carrier in this state as such to fix, alter and amend just, fair, reasonable and sufficient rates, charges, classifications, rules and regulations of each such certified freight carrier; to regulate the accounts, service and safety of operations of each such certified freight carrier; to require the filing of annual and other reports and of other data by such certified freight carriers; and to supervise and regulate the certified freight carriers in all other matters affecting the relationship between such certified freight carriers and the shipping public: *Provided*, That the department when ascertaining the amount of the investment of any certified freight carrier for the purpose of fixing rates thereon shall not include as a part of such investment any sum in excess of the actual cost of said certificate to the original certificate holder. The department shall have power and authority, by general order or otherwise, to prescribe rules and regulations in conformity with this act, applicable to any and all such certified freight carriers; and within such limits shall have power and authority to make orders and to prescribe rules and regulations affecting certified freight carriers.

Regulations.

The department may, at any time, by its order duly entered after a hearing had upon notice to the holder of any certificate hereunder, and an opportunity to such holder to be heard, at which it shall be proven that such holder wilfully violates or refuses to observe any of its proper orders, rules or

Department  
may  
suspend,  
revoke, alter  
or amend  
certificate.

regulations, suspend, revoke, alter or amend any certificate issued under the provisions of this section, but the holder of such certificate shall have all the rights of rehearing, review and appeal as to such order of the department as is provided for in section 1½, subdivision e, of this act.

Shall not  
operate  
without  
certificate.

(c) No certified freight carrier shall hereafter operate for the transportation of property for compensation between fixed termini or over a regular route in this state without first having obtained from the department under the provisions of this act a certificate declaring that public convenience and necessity require such operation. Any right, privilege, certificate held, owned or obtained by any certified freight carrier may be assigned, sold, leased, transferred or inherited as other property only upon authorization by the department. The department shall have power, after hearing, when the applicant requests a certificate to operate in a territory already served by a certificate holder or holders under this act, and in all other cases with or without hearing, to issue said certificate as prayed for; or for good cause shown to refuse to issue same, or to issue it for the partial exercise only of said 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. Nothing herein contained shall be construed to confer upon any person the exclusive right or privilege of transporting property for compensation over the public highways of the State of Washington.

Liability and  
property  
damage  
insurance.

(d) The department shall in the granting of certificates to certified freight carriers under this act require such certified freight carriers to first procure and file liability and property damage insurance from a company licensed to write such insurance in the State of Washington, for such limits of liability

and upon such terms and conditions as the department shall determine to be necessary for the reasonable protection of the public against damage and injury for which such carrier may be liable by reason of the operation of any motor vehicle.

In fixing the amount of said insurance policy or policies, the department shall give due consideration to the character and amount of traffic and the number of persons affected and the degree of danger which the proposed operation involves.

(e) In all respects in which the department has power and authority under this act, applications and complaints may be made and filed with it, process issued, hearings held, opinions, orders and decisions made and filed, petitions for rehearing filed and acted upon, and petitions for writs of review, to the superior court filed therewith, appeals or mandate filed with the supreme court of this state, considered and disposed of by said courts in the manner, under the conditions and subject to the limitations and with the effect specified in the public service commission law of this state.

Power and authority of department under act.

(f) Every officer, agent or employee of any corporation, and every other person who violates or fails to comply with, or who procures, aids or abets in the violation of any provisions of this act, or who fails to obey, observe or comply with any order, decision, rule or regulation, direction, demand or requirement, or any part or provision thereof, is guilty of a gross misdemeanor and punishable as such.

Violation of act.

(g) The department shall prescribe forms of application for certificates of public convenience and necessity for the use of prospective applicants, and shall make regulations for the filing thereof. Applications for certificates of public convenience and necessity, for the transfer or mortgaging of such certificates, and for the issuance of duplicate cer-

Forms of application for certificates.

Application  
fees.

tificate of public convenience and necessity, shall be accompanied by the following fees:

Application for certificate of public convenience and necessity \$25.00.

Application for transfer of certificate of public convenience and necessity \$5.00.

Application for mortgaging of certificate of public convenience and necessity \$5.00.

Application for issuance of duplicate certificate of public convenience and necessity \$3.00.

Amends  
ch. 166,  
Laws 1933.

SEC. 3. That chapter 166 of the Laws of 1933 be amended by adding after section 3 thereof a new section to be known as section 3A to read as follows:

Temporary  
permits to  
contract  
haulers.

Section 3A. The department shall have discretionary power and authority to issue temporary permits to contract haulers covering seasonal operations for a period of not to exceed one hundred twenty (120) days, and may prescribe such special rules and regulations, and impose such special terms and conditions with reference thereto as in its judgment are reasonable and necessary in carrying out the provisions of this act. The application fee for such temporary contract hauler permit shall be ten dollars (\$10.00).

Fee.

Amends  
§ 5, ch. 166,  
Laws 1933.

SEC. 4. That section 5 of chapter 166 of the Laws of 1933 be and the same is hereby amended to read as follows:

Liability  
and property  
damage  
insurance.

Section 5. The department shall, in the granting of permits to contract haulers under this act, require such contract haulers to first procure and file liability and property damage insurance from a company licensed to write such insurance in the State of Washington for such limits of liability and upon such terms and conditions as the department shall determine to be necessary for the reasonable protection of the public against damage and injury for

which such carrier may be liable by reason of the operation of any motor vehicle.

In fixing the amount of said insurance policy or policies, the department shall give due consideration to the character and amount of traffic and the number of persons affected, and the degree of danger which the proposed operation involves.

SEC. 5. That section 13 of chapter 166 of the Laws of 1933 be and the same is hereby amended to read as follows: Amends § 13, ch. 166, Laws 1933.

Section 13. The term "for hire carrier" means every person, owning, controlling, operating or managing any motor vehicle used in the business of transporting property for compensation over any public highway, except such persons as are included in the terms "certified freight carrier" and "contract hauler" as hereinbefore defined, not operating exclusively within the incorporated limits of any city or town. "For hire carrier."

Whether or not any motor vehicle is used in the business of transporting property for compensation within the meaning of this act shall be a question of fact, depending upon the frequency of operation, amount and basis of compensation, and such other facts as indicate the true nature and extent of such use; and in all cases where any compensation is received at all the question shall be determined upon application to the department, and the disclosure and reporting to it from time to time of such facts as it shall require.

SEC. 6. That chapter 166 of the Laws of 1933 be amended by adding after section 14 thereof a new section to be known as section 14A to read as follows: Amends ch. 166, Laws 1933.

Section 14A. The department shall have discretionary power and authority to issue temporary permits to for hire carriers covering seasonal opera- Temporary permits.



tions for a period of not to exceed one hundred twenty (120) days, and may prescribe such special rules and regulations and impose such special terms and conditions with reference thereto as in its judgment are reasonable and necessary in carrying out the provisions of this act. The application fee for such temporary for hire carrier permit shall be five dollars (\$5.00).

Fee.

Amends  
§ 15, ch. 166,  
Laws 1933.

SEC. 7. That section 15 of chapter 166 of the Laws of 1933 be and the same is hereby amended to read as follows:

Liability and  
property  
damage  
insurance.

Section 15. The department shall, in the granting of permits to for hire carriers under this act, require such for hire carriers to first procure and file liability and property damage insurance from a company licensed to write such insurance in the State of Washington for such limits of liability, and upon such terms and conditions as the department shall determine to be necessary for the reasonable protection of the public against damage and injury for which such carrier may be liable by reason of the operation of any motor vehicle.

In fixing the amount of said insurance policy or policies the department shall give due consideration to the character and amount of traffic and the number of persons affected, and the degree of danger which the proposed operation involves.

Amends  
§ 16, ch. 166,  
Laws 1933.

SEC. 8. That section 16 of chapter 166 of the Laws of 1933 be and the same is hereby amended to read as follows:

Application  
for permit.

Section 16. Upon the filing of an application for a permit to operate as a for hire carrier and compliance with all lawful requirements, the department is hereby vested with power and authority to grant a permit to the applicant, which permit shall set forth the name and address of the person to whom the permit is granted, the names and addresses of its

officers, if any, the nature of the transportation to be engaged in, and a description of the vehicle to be used therein, including weight, size and carrying capacity. The department shall have power to supervise and regulate the facilities, service and safety of the operations of every such for hire carrier for the purpose of promoting safety upon the highways and the conservation of their use and to regulate and supervise the accounts and methods of operation of the same; and to prescribe such minimum rates, rules and regulations as it may deem necessary in carrying out the provisions of this act. The department also shall have power to prescribe such reasonable rules and regulations governing the operations of motor vehicles used for the transportation of property for compensation even though such vehicles do not come within the terms "for hire carrier," "contract hauler" or "certificated freight carrier" as it may deem necessary in carrying out the provisions of this act.

Regulations.

SEC. 9. That section 21 of chapter 166 of the Laws of 1933 be and the same is hereby amended to read as follows:

Amends  
§ 21, ch. 166,  
Laws 1933.

Section 21. The term "private carrier" means any person engaged in the transportation in his own motor vehicle of property sold or to be sold by him in the furtherance of any private commercial enterprise or for the purpose of lease, rent or bailment, not operating exclusively within the incorporated limits of any city or town.

"Private  
carrier."

SEC. 10. That section 23 of chapter 166 of the Laws of 1933 be and the same is hereby amended to read as follows:

Amends  
§ 23, ch. 166,  
Laws 1933.

Section 23. The department is hereby vested with power and authority, and it shall be its duty to issue permits to private motor carriers of property and to require the filing of such information and

Permits.

data as may be required by the department. Such permit shall be in such form and contain such information as the department deems advisable. The department shall have power and authority, by general order or otherwise, to prescribe reasonable and necessary rules and regulations conformable to this act governing all private motor carriers of property.

Regulations.

Amends  
§ 25, ch. 166,  
Laws 1933.

SEC. 10½. That section 25 of chapter 166 of the Laws of 1933 be amended to read as follows:

Forms.

Section 25. The department shall prescribe forms of application for such permits for the use of prospective applicants and shall make regulations for the filing thereof. All applications for such permits shall be accompanied by an application fee of two dollars (\$2.00).

Fee.

Amends  
§ 15, ch. 96,  
Laws 1921;  
§ 1, ch. 140,  
Laws 1931;  
§ 27, ch. 166,  
Laws 1933.

SEC. 11. That section 15 of chapter 96 of the Laws of 1921 as amended by section 1 of chapter 140 of the Laws of 1931 as further amended by section 27 of chapter 166 of the Laws of 1933 be amended to read as follows:

Registration  
fees.

Section 15. Except as otherwise specifically provided by law for the registration of each motor vehicle, there shall be paid and collected annually three dollars (\$3.00); and in addition thereto for each for hire car, auto stage or auto stage trailer, four dollars and fifty cents (\$4.50) per seat for the seating capacity thereof; and for each truck or trailer the following fees, based upon the maximum rated carrying capacity thereof: 5,000 lbs. or less, 75c per hundred weight or fraction thereof; over 5,000 lbs. and not to exceed 10,000 lbs., 85c per hundred weight or fraction thereof; over 10,000 lbs. and not to exceed 15,000 lbs., 95c per hundred weight or fraction thereof; over 15,000 lbs. and not to exceed 20,000 lbs., \$1.05 per hundred weight or fraction thereof; over 20,000 lbs. the last mentioned rate shall be increased 10c per hundred weight or fraction thereof for each

ton the maximum rated carrying capacity exceeds 20,000 lbs.: *Provided*, No such fee shall exceed six hundred dollars (\$600.00); and in case any such vehicle shall be propelled by steam or electricity, gas or other fuel upon which an excise tax on liquid fuel has not been provided by this act, an additional fee of seventy-five cents (75c) per hundred weight or fraction thereof of such vehicle's gross weight shall be paid and collected in lieu of such excise tax: *Provided*, That the fee for any truck or trailer used only for the purpose of transporting any well-drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house or similar machine or structure attached to and made a part thereof, shall be three dollars (\$3.00): *Provided further*, That no additional fee shall be required to be paid upon trucks or trailers of a maximum rated carrying capacity of one-half ( $\frac{1}{2}$ ) ton or less when the same is used by the owner solely for carrying his own produce or property.

Additional  
fee.

One-half ton  
truck or  
trailer used  
by owner  
exempt.

Annual fees for dealer's licenses, and dealer's license plates and fees for additional plates, shall be paid and collected as follows: Dealers in motorcycles and motor vehicles five dollars (\$5.00) including one set of dealer's license plates, and additional sets of license plates bearing the same number, two dollars (\$2.00) per set of two plates.

Dealer's  
license  
fees.

It shall be unlawful for the owner or operator of any motor vehicle, truck or trailer not licensed annually for hire to carry passengers therein for hire: *Provided*, That in lieu of the fee heretofore set forth for trailers of a carrying capacity of 20,000 pounds or greater, the operation of which is carried on under special permit from the department of highways, may be operated for a fee of \$3.00 plus a per diem fee of \$5.00 per day for each day's operation thereof on the streets or highways within the state. The per diem fee shall be paid to the director of

Unlawful  
to convey  
passengers  
for hire  
without  
license.

licenses in such manner and at such time as he shall by general rules provide.

Amends  
§ 28, ch. 166,  
Laws 1933.

SEC. 12. That section 28 of chapter 166 of the Laws of 1933 be and the same is hereby amended to read as follows:

Filing of  
statement  
showing  
gross operat-  
ing revenue.

Section 28. Every "certified freight carrier," "contract hauler" and "for hire carrier" operating under the provisions of this act shall between the first and fifteenth days of January, April, July and October of each year, file with the director of public works a statement showing the gross operating revenue of such hauler or carrier for the preceding three months, or portion thereof, and shall pay to the said director a fee of one per cent of the amount of such gross operating revenue.

Moneys  
collected.

All moneys collected under this act, except those collected under section 27, as amended, are for the purpose of carrying out the provisions of this act, and shall be paid into the state treasury at least monthly and credited to the public service revolving fund.

Amends  
§ 31, ch. 166,  
Laws 1933.

SEC. 13. That section 31 of chapter 166 of the Laws of 1933 be and the same is hereby amended to read as follows:

Promulgate  
and mail  
regulations  
to holders of  
certificates.

Section 31. The department shall promulgate and mail to each holder of a certificate or permit hereunder, such regulations as it may deem necessary to properly carry out the provisions and purposes of this act.

Amends  
§ 32, ch. 166,  
Laws 1933.

SEC. 14. That section 32 of chapter 166 of the Laws of 1933 be and the same is hereby amended to read as follows:

Identifica-  
tion card.

Section 32. The department shall prescribe an identification card which must be displayed within the cab of each motor vehicle, setting out the certificate or permit number and the route or territory over which the vehicle is authorized to operate, giv-

ing the name and address of the owner of said certificate or permit. It shall be unlawful for the owner of said certificate or permit, his agent, servant or employee, or any other person to use or display said identification card after said certificate or permit has been cancelled or disposed of. The identification card provided for herein may be in such form and contain such information as required by the department. It shall be unlawful for any owner of a certificate or permit, his agent, servant, or employee, to display upon any motor vehicle the certificate or permit number, or other insignia of authority from the department after said certificate or permit has expired, or has been cancelled.

SEC. 15. That section 33 of chapter 166 of the Laws of 1933 be and the same is hereby amended to read as follows:

Amends  
§ 33, ch. 166,  
Laws 1933.

Section 33. It shall be unlawful for any certified freight carrier, contract hauler, for hire carrier or private carrier as hereinbefore defined to operate any motor vehicle within this state unless there shall be displayed and firmly fixed upon the front and rear of such vehicle an identification plate to be furnished by the department. Each of such plates shall be designed so as to identify the vehicle on which the same is attached as being a vehicle authorized to operate under the terms of this law; said plate shall bear the number given to the vehicle by the department and such other marks of identification as may be necessary. The plates for certified freight carrier vehicles, contract hauler vehicles, for hire carrier vehicles and private carrier vehicles, shall be different in design. The identification plates provided for herein shall be in addition to the regular license plates required by law. It shall be the duty of the department to provide these plates and each motor vehicle operating in this state shall display such plates as soon as the same are received and

Identifica-  
tion plates.

such plates shall be issued annually thereafter and attached to each motor vehicle not later than January first of each year, or as soon thereafter as possible. The department shall be authorized to collect from the applicant a fee of one dollar for each pair of plates so issued, and all fees for such plates shall be deposited in the state treasury to the credit of the public service revolving fund.

Fee.

Repeals  
§ 38, ch. 166,  
Laws 1933.

SEC. 16. That section 38 of chapter 166 of the Laws of 1933 be and the same is hereby repealed.

Conflicting  
acts.

SEC. 17. If any of the provisions of this act are or shall be in conflict with any of the provisions of chapter 111 of the Laws of 1921 or acts amendatory thereto, then this act shall supersede any such conflicting provisions of said chapter 111 or acts amendatory thereto.

Ch. 111,  
Laws 1921.

SEC. 18. Persons operating under certificates of public convenience and necessity heretofore issued under chapter 111 of the Laws of 1921 and acts supplemental or amendatory thereto, shall continue to operate under said certificates in the same manner and to the same effect as if such certificates were granted under the provisions of this act.

Effective  
immediately.

SEC. 19. This act is necessary for the immediate preservation of the public peace, health and safety, and support of the state government and its existing public institutions and shall take effect immediately.

Passed the House January 12, 1934.

Passed the Senate January 11, 1934.

Approved by the Governor January 17, 1934.