

prior to application for a hearing before the joint board. Such reasonable fee for services performed by an attorney for a claimant before the joint board shall be fixed by the board taking into consideration the fee previously allowed by the director, and it may review upon such hearing the fee fixed by the director. It shall be unlawful for any attorney engaged by any claimant in representation before the Department or the joint board to charge or receive directly or indirectly any fee or expenses in excess of that fixed as herein provided.

Passed the House March 9, 1947.

Passed the Senate March 9, 1947.

Approved by the Governor March 19, 1947.

CHAPTER 247.

[H. B. 187.]

INDUSTRIAL INSURANCE—REPORTS BY EMPLOYERS.

AN Act relating to industrial insurance and medical aid, prescribing method of reporting by employers, including certain additional classifications and making certain changes in the schedule of extra-hazardous occupations, and making provision for experience rating for a resuming employer, creating and providing for the use of and making an appropriation for, the use of a fund for extraordinary accidents, and amending section 4, chapter 74, Laws of 1911, as last amended by section 1, chapter 138, Laws of 1939 (section 7676, Remington's Revised Statutes Supplement; Pierce's Perpetual Code 717-1) and declaring an emergency.

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

SECTION 1. Section 4, chapter 74, Laws of 1911, as last amended by section 1, chapter 138, Laws of 1939, is hereby amended and divided into sections to read as follows:

Section 4a. Inasmuch as industry should bear the greater portion of the burden of the cost of its accidents, each employer shall prior to the twenty-

Employer's payments to accident and medical aid funds.

Assessments for deficits.

Promulgation of rates by Director.

Determination of amounts for each class.

Cost experience.

Condition of class.

Determination for each employer.

fifth day of January, April, July and October of each year pay into the State Treasury (1) for the accident fund and (2) for the medical aid fund, a certain number of cents for each man hour worked by the workmen in his employ, engaged in extra-hazardous employment; if, however, there should be a deficit in any class or sub-class the Director of Labor and Industries, through the Supervisor of Industrial Insurance, is hereby authorized and directed to assess the same against all the contributors to such class or sub-class during the calendar year or fraction thereof in which said deficit was incurred or created. The Director of the Department of Labor and Industries shall have the power to promulgate, change and revise such rates according to the condition of the accident and medical aid funds, and to establish rates for industries declared to be extra-hazardous subsequent to the taking effect of this amendment and/or which voluntarily seek coverage under the elective adoption provisions of this act.

The amounts to be paid into the accident fund shall be determined as follows: The Department of Labor and Industries shall, prior to the first day of January of each year determine for each class and/or sub-class, a basic premium rate for the ensuing calendar year, and in so doing, shall take into consideration, first, the cost experience of each class and sub-class over the two-year period immediately preceding July first of the year in which the basic rate is being fixed; second, the then condition of each class and/or sub-class account.

The Department of Labor and Industries shall also, prior to the first day of January of each year determine the premium rate to be paid into said accident fund during the ensuing year by each employer to be credited to each class and/or sub-class account, applicable to the employer's operations or business, and in so doing, shall take into considera-

tion, the average cost experience of each employer for each workman hour reported by him during each fiscal year in each such class or sub-class over the five-year period immediately preceding July first of the year in which the rate is being determined, and in so computing, the cost experience of any employer, the fixed sum of four thousand five hundred dollars (\$4,500) shall be charged against his experience for each injury resulting in death or total permanent disability of a workman instead of the actual cost to the accident fund of such injury. The actual premium rate which any employer shall be required to pay for the accident fund shall be forty per cent (40%) of the basic rate, plus sixty per cent (60%) of the employer's cost rate for each workman hour reported by him during each fiscal year over the five-year period next preceding the then last July first, but in no case shall the total rate exceed one hundred sixty per cent (160%) of the basic rate.

Cost ex-
perience.

Section 4b. The basic premium rates for the accident fund and the medical aid fund, effective immediately upon the passage of this act shall be in accordance with the following classifications, sub-classifications and schedules and the rates shall be as established by the Department of Labor and Industries.

Classifica-
tions.

(The letters "N.O.S." as used in this section shall mean "Not Otherwise Specified.")

Abbrevia-
tions indi-
cated.

(The letter "(S)" as used in this section shall mean suspension of collection of premiums in that fund for employers entitled to an individual rating.)

Ind. Ins. means Industrial Insurance.

Med. Aid means Medical Aid.

Occ. Dis. means Occupational Disease.

Wkmn. Hr. means Workman Hour.

(Rates and classifications subject to change by departmental order when indicated as herein provided.)

The time of truck drivers and helpers shall be reported as follows:

Truck drivers and helpers.

(1) If the employer's main business is under the act, the classification of the main business will apply.

(2) If trucking incidental to and wholly a part of an extra-hazardous department of a main non-hazardous business, then the classification applicable to the extra-hazardous department will apply.

(3) If trucking is the only extra-hazardous operation being conducted, then classification 11-1 will apply. (Excludes log trucking—see Class 50-1.)

(4) If trucking is separate and distinct from other extra-hazardous operations, or separate and distinct from other extra-hazardous operations of a main non-hazardous business, then classification 11-1 will apply. (Excludes log trucking—see Class 50-1.)

CLASS 1.

Classes.

- 1-1 Ditches and canals (N.O.S.)
 Canals other than irrigation
 Excavations (N.O.S.)
 Grading (N.O.S.)
 Diking
 Dredging (includes all marine dredging local in character)
 Well drilling
 Asphalt mixing
 Asphalt paving
 Bituminous paving (all types)
 Block paving
 Concrete street pavements
 Paving, brick (construction and repair)
 Concrete sidewalks (excludes sidewalks and driveways in connection with building construction)
 Plank roads (construction)
 Sidewalks (planks)
 Streets, planking
 Highway, street and road construction (includes grubbing and clearing in connection with street and highway grading), (excludes logging roads), (excludes tunneling in connection with road construction)
 Grading streets and highways (includes grubbing and clearing in connection with street and highway grading), (excludes logging roads)

CLASS 1—Continued.

- 1-1 Road grading (this sub-class is exclusively for road, street and highway grading), (includes grubbing and clearing in connection with street and highway grading), (excludes logging roads)
 - Back filling (incidental to pipe laying)
 - Crushed stone surfacing
 - Conduit (construction)
 - Concrete culverts (or other types with span of 12 feet or less) (excludes bridge and trestle approaches)
 - Fences (all types) (erection and repair)
 - Concrete construction (N.O.S.) (includes erection and tearing down of forms)
 - Concrete construction, reinforced (N.O.S.)
 - Concrete sidewalks and driveways (N.O.S.)
 - Pipe laying
 - Sewers
 - Trenches
 - Water mains (construction) and repair (see Class 15-1 for City and County maintenance)
 - Pit, crusher and bunker operations in connection with road, street, and highway construction
 - Land clearing
 - Road surfacing (all types)
 - Retaining walls (all types) (in connection with road, street and highway construction)
 - Diamond drilling (if work performed directly in connection with construction work, then the construction classification shall apply) (Maintenance and repair of equipment and machinery in connection with above types of work subject to this Class 1-1.) (All back filling in connection with above types of work subject to this Class 1-1.)
- 1-3 Shaft sinking (N.O.S.)
 - Well digging
- 1-5 Tunnels and approaches (all types) (N.O.S.) (All excavations, back filling, construction, repairing, dismantling, erection, and the construction, erection and tearing down of forms, and the installing of road beds in connection with any of the above types of work is subject to this class 1-5.)
- 1-6 Tunnels (railroad) (includes lining)
- 1-8 Grading railroads (excludes logging railroads)
 - Railroads (grading)
 - Railroads (construction work other than bridge work)

CLASS 2.

- 2-1 Breakwaters, construction
 - Bridge building (steel, wood, concrete) (all types)
 - Bridge foundations and approaches
 - Bulkhead construction (water hazard)

CLASS 2—Continued.

- 2-1 Concrete culverts (or other types with span more than 12 feet)
 Concrete piles in docks and trestles
 Jetties
 Marine railways (construction)
 Pile driving (includes marine pile driving local in character)
 Railroads (bridge and trestle work)
 Spans, monoliths, structures, causeways, roadways (elevated) (all types)
 Rip-rapping (water hazard)
 Subaqueous work
 Trestles and approaches (all types)
 Viaducts (all types)
 Wharf and pier construction
 Overhead crossings
 Undercrossings (all excavations, back filling, construction, repairing, dismantling, erection, and the construction, erection and tearing down of forms, and the installing of road beds in connection with any of the above types of work is subject to this Class 2-1.)

CLASS 5.

For the purpose of this Act a janitor or handy man shall be considered a man of all work, i.e., one whose work is so varied and indefinite that it is impractical to segregate his time between non-hazardous and extra-hazardous operations. (See Class 48—elective adoption.)

A maintenance man shall be considered as one who has been hired to perform specific extra-hazardous work although a part of the employment may be non-hazardous; such work consisting primarily of the maintaining in repair or in condition fixed or established property. (See Class 5 sub-classes for real estate and property owners.)

- 5-1 Washing buildings (inside or outside)
 Window washing (excludes domestics, janitors and handymen regularly employed for other purposes), (includes the actual time of all workmen specifically employed to wash buildings or windows.)
 5-2 Brick work (construction) (N.O.S.) (See Class 5-5 for brick buildings)
 Chimney (all types) (N.O.S.)
 Flooring compositions (hot or cold)
 Marble, tile, terra cotta (all types in connection with construction)
 Mantel setting
 Slate work
 Linoleum or composition covering of walls, floors, drainboards, etc.

CLASS 5—Continued.

- 5-2 Rock walls and rockeries (erection, installation and repairing) (excludes landscaping)
- 5-3 Furnaces (installation)
 - Heating systems (installation)
 - Plumbing work
 - Ventilating systems (installation)
 - Automatic sprinklers (installation)
 - Boiler (installation)
 - Boiler (covering)
 - Metal weather stripping (installation)
 - Steam pipe covering (installation)
 - Safes and vaults (installations and removals)
 - Manufactured store, bank and building fixtures (installation and removals) (N.O.S.)
 - Air conditioning and refrigeration systems, (installation and repair) (Repairing and servicing of above types of equipment away from the premises of employer's shop subject to this Class 5-3) (See Class 34-2 for shop work)
- 5-4 Frescoing
 - Kalsomining
 - Painting, building or structures includes washing of buildings or structure as an incidental part of the painting operation
 - Painting (inside or outside work) (includes washing of surfaces to be painted as an incidental part of the painting operation)
 - Paper hanging
 - Sign painting (inside and outside), (excludes inside shop work)
 - Street and building decorating
 - Whitewashing
 - Billboard and advertising signs (construction, installation and maintenance) (See Classes 34-2, 34-4 and 41-1 for shop work)
- 5-5 Fireproof doors and shutters (erection and repair)
 - Galvanized iron or tin work (roof or cornice), (installation or repair)
 - Grain elevators (construction) (repairs)
 - Hothouse construction and repair
 - Metal ceiling work
 - Roof work (all types), (construction and repair)
 - Stair building (all types)
 - Store, bank or building fixtures (constructed on premises) (installation and removal)
 - Carpenter work (includes all carpenter and helpers work in connection with alterations, repairs and installation in building industry)

CLASS 5—Continued.

- 5-5 Concrete and brick buildings (includes all operations in connection with the construction of a concrete or brick building)
 All building industry operations, which shall include all field activities in connection with the erection, alteration, repairing or demolishing of any building or buildings or part thereof or appurtenant thereto
 Concrete floors and foundations (includes erection and tearing down of forms) in connection with building industry
 Glass (installation)
 House and building moving and wrecking
 Chimneys (all types) (if part of a building industry operation)
 Installation and repair of all fixtures and equipment in houses or buildings (N.O.S.)
 Lathing
 Ornamental metal, tile, and other composition work in and on buildings
 Plastering
 Stuccoing (excavations and back filling in connection with building construction, if work done directly by building contractor, subject to this Class 5-5)
- 5-8 Chimneys, metal (erection)
 Iron frame structures (other than bridges), (erection)
 Steel frame structures (other than bridges), (erection)
 Steeples (erection)
 Tanks, metal (erection)
 Tanks, wooden (erection)
 Tanks, concrete (erection)
 Towers, wood or metal (erection) (includes electrical transmission towers)
 Structural steel (N.O.S.)
 Water towers, metal or wood (erection)
 Windmills, wood or metal (erection) (This class to include all excavations and foundation work, including dismantling and repairing of above types of structures)
- 5-9 Hardwood floors (laying)
- 5-10 Temporary employers engaged in any phase of building or general construction and repairing

CLASS 6.

- 6-1 Conduits (placing wires in)
 Electrical apparatus (installing systems in buildings)
 Fire alarms (installation)

CLASS 6—Continued.

- 6-1 Electrical installations (servicing and repairs N.O.S.)
(excludes shop work) (includes household installation and servicing of manufactured household electrical appliances) (See Class 34-2 for shop-work)
- 6-2 Cable railways (construction)
Electric railways (construction)
Street railway construction (excludes all bridge and trestle work)
Street railway grading
Telephone and telegraph systems (construction)
Transmission lines (construction) (excludes erection of wood or metal towers) (includes erection of wood and metal poles)
- 6-3 Belts (erection of shafting, etc.)
Dynamos (installation)
Engine (installation)
Gas machine (installation)
Machinery (N.O.S.)
Machinery (dismantling)
Machinery (installation)
Machinery (servicing away from shop premises)
Railroad (dismantling), (excludes bridges, trestles and snowshed wrecking)
Elevators (freight or passenger) (installation and repair)
- 6-4 Junk dealers

CLASS 7.

- 7-1 Dam construction (includes every operation)

CLASS 8.

- 8-3 Irrigation ditches, repair and maintenance
Highway department of state, counties and cities (all operations in connection with highway maintenance), (excludes all new highway construction, grading, or bridge building, which operations must be reported in respective classifications)
- 8-4 Commercial production of sand, gravel, clay and stone products

CLASS 9.

- 9-1 Boat building (steel hulls)
Shipbuilding (steel hulls, includes all operations within shipyards)
- 9-2 Boat building (wooden hulls)
Shipbuilding (wooden hulls, includes all operations within shipyard)
- 9-4 Ferries, steamboats, tugs (operations)

CLASS 10.

- 10-2 Lath mills, planing mills, sawmills and tie mills
(operation and maintenance)
Masts (with or without machinery)
Pole yards (independent of logging operations)
(N.O.S.)
Fuel and lumber yards with power-driven machinery
(includes teamsters, drivers and helpers)
Spars (with or without machinery)
Retailing of fuel oil by fuel dealers using power-driven
machinery (includes drivers and helpers)
- 10-3 Shingle mills (operation and maintenance)
Mfg. of shakes (hand or machinery operation) (does
not include cutting of shingle bolts, see Class 50-1)
- 10-6 Creosote works (includes yard operations)
Pile and pole treating works (includes yard opera-
tions)
- 10-7 Lumber inspectors (this sub-class exclusively for
independent lumber inspection companies)

CLASS 11.

- 11-1 Drayage (transfer and storage) (includes teamsters,
drivers and helpers)
General hauling (N.O.S.) and trucking (excludes log
trucking)
Teaming, truck driving and motor delivery (N.O.S.)
Auto freight transportation
- 11-3 Fuel and lumber yards without power-driven ma-
chinery
Retailing of fuel oil by fuel dealer where no power-
driven machinery is used

CLASS 13.

- 13-1 Bridge tenders (electrically operated bridges)
Electric light and power plants (operation and main-
tenance)
Electric systems (N.O.S.) (operation and mainte-
nance)
- 13-2 Steam heat and power plants (operation and main-
tenance)
- 13-3 Telephone systems (operation and maintenance),
(excludes telephone operators). (If interstate op-
erations involved, payroll segregation to be per-
mitted)

CLASS 14.

- 14-1 Street railways (electric interurban railroad), (oper-
ation)
City or town passenger bus operation (includes those
operated by municipalities in connection with
street railway system or as a replacement of street

CLASS 14—Continued.

railway system and also those operated by others operating under a municipal franchise)
 Stage, taxicab and for hire car driving
 Ambulance drivers and helpers
 School bus drivers (vehicles used must be under direct control of School District and driver must be expressly employed by School District, or under contract with School District.) (Excludes persons using their own passenger cars to transport children to and from school)

CLASS 15.

15-1 City and county operation and maintenance (includes all extra-hazardous operations in connection with regular functions of city and county government) (includes peace officers on salary and probation officers having police powers) (excludes all operations in connection with the maintenance of highways by state, counties and cities. See Class 8-3). (New construction of bridges, grading and paving of roads shall be reported in respective classifications)

CLASS 16.

16-1 Coal mines (includes shaft sinking and all tunneling in connection with all coal mines)
 Coke ovens (operation), (excludes office force only)

CLASS 17.

17-2 Mines, all types (other than coal), (includes all shaft sinking and tunneling in connection with mines other than coal)
 Ore reduction (by wet or dry process without application of heat at mine)
 Shaft sinking (metal mines)
 Tunneling (metal mines)
 Open cut mining (all types) (excludes prospecting)
 Placer or hydraulic mining
 Clay pits (N.O.S.)

17-3 Quarries
 Stone cutting (quarry hazard)

CLASS 18.

18-1 Blast furnace (operation)
 Rolling mills (operation)
 Steel and iron making
 Open hearth furnaces (operation)
 Smelters (operation)
 Copper, lead, zinc, etc. (smelting)

CLASS 19.

- 19-1 Gas works (operation) (excludes meter readers, complaint men, solicitors and store room employees)
Oil refineries (operation and maintenance) (does not include distribution or merchandising. See Class 34-7)

CLASS 21.

- 21-1 Chop, feed and flour mills (operation)
Seed cleaning
Grain and feed stores—wholesale and retail (includes drivers and helpers)
- 21-2 Grain warehouse and elevators (operation)
Commercial storage warehouses (operation) (includes drivers and helpers) (excludes operations in connection with Class 11-1)
Warehouse operations of merchandise wholesalers (N.O.S.) (excludes drivers and helpers) (See Class 11-1 for drivers and helpers)
- 21-4 Fruit warehouses (includes all operations in connection with grading, sorting and packing of fresh fruits) (includes cold storage operations if a part of warehousing operations; if a separate distinct operation or business see Class 44-1)
Vegetable warehouses (same as fruit warehouses) (See Class 11-1 for drivers and helpers)
Commission fruit and vegetable warehouses (See Class 11-1 for drivers and helpers)

CLASS 22.

- 22-1 Laundries (operation), (includes drivers and helpers)
Dye works and cleaners (includes drivers and helpers)

CLASS 23.

- 23-1 Water works (operation), (other than municipal which is to be reported in Class 15-1).

CLASS 24.

- 24-1 Paper mills (operation and maintenance)
Pulp mills (operation and maintenance)

CLASS 29.

- 29-1 Cooperate (manufacturing)
Staves, barrel, tub (manufacturing)
Barrels, kegs, pails (manufacturing)
Basket manufacturing
- 29-2 Sash, door, blinds, etc. (manufacturing)
Glazing, beveling and setting glass (in shops and factories)
Sash and door factories (all factory operations)

CLASS 29—Continued.

- 29-3 Excelsior (manufacturing)
 - Cabinet works
 - Furniture (manufacturing)
 - Boxes and packing cases (manufacturing)
 - Wooden and fibre ware (manufacturing)
 - Wood working (N.O.S.), (shop work only)
 - Kindling wood
 - Wood pipe (manufacturing)
 - Pattern shops (independent)
 - Manual training instructors (shop work only) (public schools only)
 - Plant fabrication of ready made houses (See Class 5-5 for erection)
- 29-4 Commercial Production of Plywood

CLASS 31.

- 31-1 Building material (N.O.S.)
 - Concrete blocks and tiles (manufacturing)
 - Lime (manufacturing)
 - Oils and paints (manufacturing)
 - Staves (cement)
 - Cement (manufacturing)
 - Paving blocks (cutting)
 - Stone cutting (away from quarry) (All employers engaged in the business of manufacturing building materials (N.O.S.) and the wholesale warehousing of such building materials subject to this class.)

CLASS 33.

- 33-1 Fish canneries and fish trap (operation)
- 33-2 Fish oil (manufacturing)
 - Fish products
 - Oyster beds and cannery (operations)
 - Fish reduction plants (operation)
 - Fish receiving and wholesaling

CLASS 34.

- 34-1 Automobile painting
 - Vulcanizing
 - Automobile body construction and repair
 - Auto sales agencies and garages (includes only those operations in connection with storage, service, parts and repair departments) (gas and oil service stations performing auto repairing subject to this class)
 - Auto wrecking
- 34-2 Blacksmith shops, with machinery
 - Boiler works
 - Foundries
 - Machine shops (N.O.S.)
 - Wood working (in connection with car building)

CLASS 34—Continued.

- 34-2 Welding (shop work only) (welding at site of construction, installation or repair work to be reported under construction, installation or repair classification) (This class to apply to all employers who operate a shop using power-driven machinery for the purpose of manufacturing (N.O.S.), repairing or servicing articles)
- 34-3 Airplane (manufacturing)
- 34-4 Cans (manufacturing)
Galvanized iron works (manufacturing)
Hardware (manufacturing)
Metal (stamping) plating and polishing
Sheet metal works
Stamping tin or metal
Tin works
Neon and illuminated signs (manufacturing) (This class for shop operations only)
- 34-6 Gas service stations (excludes auto repairing)
Oil service stations (excludes auto repairing)
- 34-7 Merchandising of oils (includes drivers and helpers) (This class applies only to those employers engaged in the wholesale distribution of oils)

CLASS 35.

- 35-1 Brick (manufacturing)
Earthenware (manufacturing)
Fire clay products (manufacturing)
Porcelain ware (manufacturing)
Pottery (manufacturing)
Terra Cotta (manufacturing)
Tile (manufacturing)
Glass (manufacturing) (This class does not apply to the production of raw materials for use in the manufacturing of the above articles.)
- 35-2 Briquetts (manufacturing)
Charcoal burning
Peat fuel (manufacturing)

CLASS 37.

- 37-1 Alcohol (manufacturing)
Ammonia (manufacturing)
Nitrogen (manufacturing)
Oxygen (manufacturing)
Chemical and assaying laboratories
Chemical (manufacturing)
Distilleries
- 37-2 Bottling works (includes drivers and helpers)
Breweries (includes drivers and helpers)
Wineries (includes drivers and helpers)

CLASS 38.

- 38-1 Brooms (manufacturing)
Brushes (manufacturing)
Cordage (manufacturing)
Asbestos products (manufacturing)
Leather (working in) (includes shoe repair shops using power-driven machinery)
Rubber (working in)
- 38-2 Cloth (working in)
Textiles (manufacturing)
Textiles (N.O.S.)
Tailoring and alteration establishments or departments having power-driven machinery (Class 38-2 includes all operations in connection with manufacturing, alteration and repair of cloth and textiles by employers engaged in such operations as a business or industry)
- 38-5 Paper (working in)
Paper products (manufacturing)

CLASS 39.

- 39-1 Bakeries (includes drivers and helpers)
Candy or cracker (manufacturing)
Macaroni making
Confectionery (manufacturing)
- 39-2 Canneries (fruit and vegetables)
Foodstuffs (working in) (N.O.S.)
Fruits (canning)
Dehydrators (all operations)
Frozen fruits and vegetables (commercial wholesaling operations only)
Potato sorting (if broker or commission agent have sorting operations conducted they shall be considered as the employers) (If work performed by farmer see Class 48-3)
- 39-3 Sugar refineries (all operations), (includes drivers and helpers)
- 39-4 Handling, processing and adapting for sale, butter, eggs, poultry and egg meat products (N.O.S.)
- 39-5 Restaurants and establishments (except private boarding houses) preparing and serving food to the public for consumption on the premises
Bunkhouses, kitchens and eating houses in connection with extra-hazardous occupations or conducted primarily for employees in extra-hazardous occupations

CLASS 40.

- 40-1 Condensed milk (all operations), (includes drivers and helpers)

CLASS 40—Continued.

- 40-2 Cheese making (includes drivers and helpers)
Creameries and dairies (operation), (includes drivers and helpers)
Ice cream (manufacturing), (includes drivers and helpers) (If a separate district commercial dairy or creamery operation is operated in connection with a dairy farm this Class 40-2 will apply to all workmen employed within that separate distinct operation.) (The operations in connection with the actual dairy farming may be covered under Elective Adoption, Class 48-3.)

CLASS 41.

- 41-1 Electrotyping
Engraving (photo-engraving)
Lithographing
Photo-engraving
Linotype operators (includes all employees in room with machinery)
Printing
Jewelry (manufacturing)
Jewelry engraving
Sign and card printing and painting (inside shop operations only)

CLASS 42.

- 42-1 Longshoring and stevedoring
Wharf and pier (operation)

CLASS 43.

- 43-1 Fertilizer (manufacturing), (includes drivers and helpers)
Lard making (includes drivers and helpers)
Meat products (canneries), (includes drivers and helpers)
Packing houses (includes all operations in connection with the meat packing industry), (includes drivers and helpers)
Slaughter houses (includes drivers and helpers)
Stockyards (operations), (includes drivers and helpers)
Tallow making (includes drivers and helpers)
Tanneries (includes drivers and helpers)
Garbage works (includes drivers and helpers)
Incinerators (includes drivers and helpers)
Meat, fish, and poultry markets (with power machinery), (includes drivers and helpers)
Soap making (includes drivers and helpers)

CLASS 44.

- 44-1 Cold storage plants (refrigeration), (includes drivers and helpers)
 Ice, artificial (manufacturing and delivery), (includes drivers and helpers)
 Refrigeration or cold storage plants (operation), (includes drivers and helpers)
 Ice, natural (harvesting and handling), (includes drivers and helpers)

CLASS 45.

- 45-1 Theatre, moving picture operators and stage employees only

CLASS 46.

- 46-1 Powder works (manufacturing), (includes all operations)
 46-2 Fireworks (includes all operations in connection with manufacturing) (excludes the sale, exhibition and display of fireworks)

CLASS 47.

- 47-1 Combined chemicals and explosives (manufacturing)

CLASS 48.

Elective adoption (sub-classes as follows):

- 48-1 Caretakers (N.O.S.)
 Clerks (N.O.S.)
 Janitors
 Office employees (N.O.S.)
 Inside occupations (N.O.S.)
 Inside salesmen and demonstrators (N.O.S.) (Office employees of employers whose main business is subject to the compulsory provisions of this Act and whose duties do not require them to be subject to the extra-hazardous operations being conducted are entitled to coverage under this classification (elective adoption). Office employees of such employers who are subject as a result of their duties, to the hazards being conducted are entitled to coverage under Class 49-4. Office employees of employers whose main business is not subject to the Act are entitled to coverage under this class (elective adoption). Persons employed specifically as janitors and whose duties are of a general "handyman" nature are entitled to coverage under this class (elective adoption).
 48-2 Outside salesmen, demonstrators and collectors using automobiles
 Outside occupations (N.O.S.)
 48-3 Agricultural workers

CLASS 48—Continued.

- 48-7 Temporary building construction by employers who are not engaged in a business or an industry. (i.e., a person employing help by day labor to perform work on his own home, farmers, churches, charitable and social organizations.)

CLASS 49.

- 49-1 Foresters (forest rangers, timber cruisers, surveyors and engineers)
- Guards (penitentiary and other penal institutions), (employed by state)
- Peace officers, on salary, having police powers (excludes town, city and county peace officers, see Class 15-1)
- Wardens, fish, and game (employed by state)
- Inspectors (having police powers and employed by state)
- State park employees having police powers
- Employees of the Department of Labor and Industries
- 49-2 Highway patrol (state)
- 49-4 Office employees of employers subject to the compulsory provisions of law and whose employment duties require exposure to extra-hazardous operations being conducted by employer.

CLASS 50.

- 50-1 Logging, operation and maintenance
- Railroads, logging (operation)
- Shingle bolt cutting
- Tie cutting
- Log trucking (includes contract log hauling) (Logging shall be considered the complete operations of falling, bucking, skidding, yarding, loading and other necessary incidental operations)
- 50-2 Booming and rafting logs
- 50-3 Pulpwood cutting
- 50-4 Logging, rail and truck road construction and maintenance

Employer must notify Director.

Contents of notice.

Section 4c. Every employer who shall enter into any business or commence any operation subject to industrial insurance classification, shall, before so commencing notify the Director of Labor and Industries of such fact, accompanying such notification with an estimate of his payroll and workmen hours for the first calendar month of his proposed operations, and shall make payment of the premium on such estimate with adjustments to be subsequently made. Every such employer shall pay the full

basic rate until such time as an experience rating in excess of a one year period may be computed as of a first succeeding July first date, and shall be liable for a premium of at least one dollar (\$1.00) per month irrespective of the amount of his workmen hours reported during said month to the Department: *Provided*, That any employer who has had an experience rating and made payment on the merit basis for any operation subject to any industrial insurance classification within the fiscal year preceding the fiscal year in which he resumes that operation or in the current fiscal year, or an employer who resumes an operation in the same fiscal year in which he ceased that operation and who would have had an experience rating in such year had he not ceased such operation, shall be entitled to be restored to his merit rating by class based on his previous experience: *Provided further*, That no other resuming employer shall have his preceding experience whether or not such experience shall have been in the preceding five years except as herein provided for a new employer.

Advance
payment.Previous
experience
rating.Resuming
employer.

To the end that no employer shall evade the burden imposed by an unfavorable or high cost experience, the Director of Labor and Industries shall have the power to determine whether or not an increase, decrease or change (a) of operating property; (b) of interest in operating property; (c) of employer; (d) of personnel or interest in employer is sufficient to show a bona fide change which would make inoperative any high cost experience.

Determina-
tion by Di-
rector of
changes ap-
plicable to
employer.

Every employer within the provisions of this act shall on or before the twenty-fifth day of January, April, July and October of each year hereafter furnish the Department with a true and accurate payroll and the aggregate number of workmen hours, during which workmen were employed by him during the preceding calendar quarter, the total amount paid to such workmen during such preceding cal-

Payroll
reports.

endar quarter, and a segregation of employment in the different classes provided in this act, and shall pay his premium thereon to the accident fund and medical aid fund. The sufficiency of such statement shall be subject to the approval of the Director of Labor and Industries.

Subject to Director's approval.

Every employer shall keep at his place of business a record of his employment from which the above information may be obtained and such record shall at all times be open to the inspection of the Director of Labor and Industries, Supervisor of Industrial Insurance, or the traveling auditors, agents or assistants of the Department, as provided in section 7690 of Remington's Revised Statutes of Washington.

Record of employment open for inspection.

Section 4d. Every person, firm, or corporation who shall fail to keep such record or fail to make such report in the manner and at the time herein provided shall be subject to a penalty of not to exceed one hundred dollars (\$100) for each such offense, to be collected by civil action in the name of the state and paid into the accident fund.

Penalties: Failure to keep record and report.

Every employer who shall fail to furnish an estimate of payroll and workmen hours and make payments as above provided shall be liable to a penalty of not to exceed five hundred dollars (\$500) and shall also be liable if an accident has been sustained by an employee prior to the time such estimate is received by the Department, to a penalty in a sum equal to fifty per cent (50%) of the cost to the accident fund and medical aid fund of such accident, to be collected in a civil action in the name of the state, and paid into the accident fund and/or medical aid fund. The Director of Labor and Industries may waive the whole or any part of any penalty charged under this act.

For failure to make payroll estimate and make payments.

Waiver.

Any employer, who shall misrepresent to the Department the amount of his payroll or the number of workmen hours upon which the premium under this act is based, shall be liable to the state in ten

Misrepresentation.

times the amount of the difference in premiums paid and the amount the employer should have paid, and shall also be guilty of a misdemeanor if such misrepresentations shall be made knowingly. Civil penalties to the state under this act shall be collected by civil action in the name of the state and paid into the accident fund.

For the purpose of such payments into the accident fund, accounts shall be kept with each industry in accordance with the classification herein provided and no class shall be liable for the depletion of the accident fund from accidents happening in any other class. Each class shall meet and be liable for the accidents occurring in such class. The fund thereby created shall be termed the "accident fund" which shall be devoted to the purpose specified for it in this act.

Each class to be self sustaining in accident fund.

The medical aid fund created in section 7713 of Remington's Revised Statutes of Washington shall not be kept by classes and all payments shall be made from the one fund, but accounts shall be kept with each class and sub-class of industry in accordance with the classification herein provided for the purpose of computing the medical aid cost experience of such classes and sub-classes and determining the correctness of the medical aid rates charged such classes and sub-classes.

Medical Aid Fund not kept by classes.

It is the intent that the accident fund created under this section shall ultimately become neither more nor less than self-supporting, exclusive of the expense of administration, and if in the adjustment of premium rates by the Director of Labor and Industries the moneys paid into the fund by any class or classes shall be insufficient to properly and safely distribute the burden of accidents occurring therein the Department may divide, rearrange or consolidate such class or classes, making such adjustment or transfer of funds as it may deem proper.

Department may adjust classes and transfer funds.

Unlawful deductions from wages.

Corrections in classifications.

Appeals.

Single establishment with several occupations.

Different risk classes.

Notice to Director of employer's desire to report in distinct risk classes.

Section 4e. It shall be unlawful for the employer to deduct or obtain any part of the premium required by this section to be by him paid into the accident fund from the wages or earnings of his workmen or any of them, and the making or attempting to make any such deduction shall be a gross misdemeanor. The Director of Labor and Industries shall make corrections of classifications or sub-classifications or changes in rates, classes, and sub-classes when the best interests of such classes or sub-classes will be served thereby. From the original classification or premium rating or any change made therein, any employer claiming to be aggrieved may appeal to the joint board and to the courts in the manner provided in section 7697 of Remington's Revised Statutes.

If a single establishment or work comprises several occupations listed in this section in different risk classes, the premium shall be computed according to the workmen hours of each occupation, or in the discretion of the Director of Labor and Industries, a single rate of premium may be charged for the entire establishment based upon the rate of premium of the occupation reporting the largest number of workmen hours: *Provided*, That, when a single establishment or work comprises distinct different risk classes, each employing a considerable number of persons, the right to have the premium computed according to the number of workmen hours of each occupation shall not be denied the employer without hearing: *Provided further*, That any employer desiring to report his operations in the various distinct risk classifications subsequent to the passage of this act, must, before so reporting, notify the Director of Labor and Industries in writing of such fact, prior to the first day of the month in which such employer desires to segregate his operations, and inform the Director of the segregated classifications he desires. After an employer has segregated his operations into the various distinct risk classi-

cations, unless the employer and the Director agree to the contrary, the employer must continue to report in those segregated classifications as long as they exist in his operation and involve a considerable number of employees.

The Director of Labor and Industries shall have power to authorize any employee of the Department who is an attorney admitted to practice law in the State of Washington to appear for the department in any action instituted for the purpose of collecting industrial insurance premiums.

Lawyer employees of Department may appear in court.

That the premiums of employers operating coal mines which shall include shaft sinking and all tunneling in connection with coal mines and the building industry, which shall include, all field activities in connection with the erection, alteration, repairing or demolishing of any building or buildings or part thereof or appurtenance thereto, adapted to residential, business, governmental, educational or manufacturing uses, shall be computed on a base rate only and no merit rating credits or penalties shall be given or imposed on such employers.

Premiums on other activities to be included in coal mining.

Section 4f. There is hereby created a special fund to be known as the "Catastrophe Fund" which shall be used only for the purpose of defraying charges assessed against it as hereinafter provided.

Catastrophe Fund.

There is hereby appropriated to the Catastrophe Fund from the Accident Fund, for the fiscal bien-nium ending March 31, 1949, the sum of five hundred thousand dollars (\$500,000).

Appropriation from accident fund.

The transfer of funds shall be from each class of the Accident Fund in the proportion that each class balance is to the total of the Accident Fund on April 1, 1947, and the reversion of the unexpended balance to the Accident Fund shall be based upon the same proportion.

Transfers from class funds.

The Director of Labor and Industries shall report to each regular session of the legislature the balance remaining in the Catastrophe Fund and shall make

Reports to Legislature.

such recommendations as he shall deem necessary to maintain the same on a continuing basis.

Charges against class fund and against catastrophe fund.

Whenever there shall occur an accident in which three or more employees are fatally injured or receive injuries consisting of loss of both eyes or sight thereof, or loss of both hands or use thereof, or loss of both feet or use thereof, or loss of one hand and one foot or use thereof, the first nine thousand dollars (\$9,000) of total costs other than medical aid costs arising out of this said accident shall be charged to the proper class of the Accident Fund and to the account of the employer, and the balance of costs arising out of the accident shall be charged against and defrayed by the Catastrophe Fund.

Effective immediately.

SEC. 2. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the House March 4, 1947.

Passed the Senate March 8, 1947.

Approved by the Governor March 19, 1947.

CHAPTER 248.

[S. B. 77.]

TAX ON PIN BALL MACHINES AND SLOT MACHINES.

AN ACT relating to the taxation with respect to persons engaging in business as operators of certain mechanical devices, amending section 96, chapter 180, Laws of 1935, as enacted by section 1, chapter 118, Laws of 1941 (sec. 8370-96, Rem. Rev. Stat.; sec. 976-1, PPC), and declaring an emergency.

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

SECTION 1. Section 96, chapter 180, Laws of 1935, as enacted by section 1, chapter 118, Laws of 1941 (sec. 8370-96, Rem. Rev. Stat.; sec. 976-1, PPC) is amended to read as follows:

Section 96. From and after the first day of May, 1941, there is hereby levied and there shall be collected from every person a tax for the act or privi-