

## CHAPTER 149.

[H. B. 115.]

## COMMON CARRIERS.

AN ACT relating to and regulating the issuing by carriers of bills of lading and livestock contracts and providing for terms thereof and liability of carriers thereunder, and providing a penalty for violations thereof.

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

SECTION 1. That any common carrier, railroad or transportation company receiving property for transportation wholly within the State of Washington from one point in the State of Washington to another point in the State of Washington, shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage or injury to such property caused by it, or by any common carrier, railroad or transportation company to which such property may be delivered, or over whose line or lines such property may pass when transported on a through bill of lading, and no contract, receipt, rule, regulation or other limitation of any character whatsoever, shall exempt such common carrier, railroad or transportation company from the liability hereby imposed; and any such common carrier, railroad or transportation company so receiving property for transportation wholly within the State of Washington, shall be liable to the lawful holder of said receipt or bill of lading, or to any party entitled to recover thereon, whether such receipt or bill of lading has been issued or not, for the full actual loss, damage or injury to such property caused by it, or by any such common carrier, railroad or transportation company to which such property may be delivered, or over whose line or lines such property may pass, when transported on a through bill of lading, notwithstanding any limita-

Bills of lading to be issued.

Liability for loss.

Liability when no bill lading issued.

Limitation  
of liability.

tion of liability or limitation of the amount of recovery, or representation or agreement as to value in any such receipt or bill of lading, or in any contract, rule or regulation, or in any tariff filed with the Department of Public Works; and any such limitation, without respect to the manner or form in which it is sought to be made, is hereby declared to be unlawful and void; *provided, however*, that the provisions hereof respecting liability for full actual loss, damage or injury, notwithstanding any limitation of liability or recovery or representation or agreement or release as to value, and declaring any such limitation to be unlawful and void, shall not apply, first to baggage carried on passenger trains, automobile stages or boats, or trains or boats carrying passengers; second, to property, except ordinary livestock, received for transportation concerning which the carrier shall have been or shall hereafter be expressly authorized or required by order of the Department of Public Works, to establish and maintain rates dependent upon the value declared in writing by the shipper or agreed upon in writing as the released value of the property, in which case such declaration or agreement shall have no other effect than to limit liability and recovery to an amount not exceeding the value so declared or released; and any tariff schedule which may be filed with the Department of Public Works pursuant to such order shall contain specific reference thereto and may establish rates varying with the value so declared or agreed upon; and the Department of Public Works is hereby empowered to make such order in cases where rates dependent upon and varying with declared or agreed values would, in its opinion, be just and reasonable under the circumstances and conditions surrounding the transportation. The term "ordinary livestock" shall include all cattle, swine, sheep, goats, horses and mules ex-

Exceptions.

Tariff  
schedule.

Term ordinary  
livestock  
defined.

cept such as are chiefly valuable for breeding, racing, show purposes, or other special uses; *Provided, further*, that nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under the existing law; *provided, further*, that it shall be unlawful for any such common carrier to provide by rules, contract, regulation, or otherwise a shorter period for giving notice of claims than ninety days, for the filing of claims than four months, and for the institution of suits than two years, such period for institution of suits to be computed from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice; *provided, however*, that if the loss, damage, or injury complained of was due to delay or damage while being loaded or unloaded, or damaged in transit by carelessness or negligence, then no notice of claim nor filing of claim shall be required as a condition precedent to recovery.

Period for  
filing claims.

Loss caused  
by carelessness  
and negli-  
gence.

SEC. 2. That the common carrier, railroad, or transportation company issuing such receipt or bill of lading, shall be entitled to recover from the common carrier, railroad or transportation company on whose line the loss, damage, or injury shall have been sustained, the amount of such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment or transcript thereof.

Carrier to  
recover from  
other carrier.

SEC. 3. That any common carrier subject to the provisions of this act, or whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, who, alone, or with any other corporation, company, person, or party, shall willfully do or cause to be done,

Violation of  
act, penalty.

or shall willingly suffer or permit to be done, any act, matter, or thing in this Act prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter or thing in this Act required to be done, or shall cause or willingly suffer or permit any act, matter or thing so directed or required by this act to be done, or not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this Act for which no penalty is otherwise provided, or who shall aid or abet therein, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof in any court of competent jurisdiction, be subject to a fine of not to exceed five thousand dollars for each offense.

Passed the House March 2, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 19, 1923.

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## CHAPTER 150.

[S. B. 176.]

### NURSES.

AN ACT regulating the examination and registration of nurses, amending sections 10165 and 10166 and repealing section 10167 of Remington's Compiled Statutes.

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

SECTION 1. That section 10165 of Remington's Compiled Statutes be amended to read as follows:

Section 10165. The director of licenses shall adopt such rules and regulations as he shall deem necessary for carrying this act into effect and shall keep a register of the names of all nurses registered under this act, which register shall be open to the public at all reasonable times, and shall furnish a

Amends Rem.  
Comp. Stat.  
§ 10165;  
Pierce's Code  
§ 4281.

Register kept  
by director  
of licenses.