

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

Effective
immediately.

Passed the Senate March 4, 1933.

Passed the House March 8, 1933.

Approved by the Governor March 21, 1933, with the exception of section 3, which is vetoed.

CHAPTER 193.

[H. B. 435.]

WORKMEN'S COMPENSATION.

AN ACT relating to the compensation, medical and surgical care of workmen injured; the safety of workmen engaged in extra-hazardous employment; the compensation of the dependents of such workmen in case of death; the liability of employers of workmen so engaged or covered by elective adoption, for such compensations and cost of treatment and providing for the collection of premiums from employers engaged in extra-hazardous employment, or covered by elective adoption, amending section 4 of chapter 74 of the Laws of 1911, as amended by section 1, chapter 104, Laws 1931; adding section 2 and section 3 thereto; and declaring that this act shall take effect immediately.

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

SECTION 1. That section 4 of chapter 74 of the Laws of 1911 as amended by section 1 of chapter 104 of the Laws of 1931, be amended to read as follows:

Amends § 4,
ch. 74, Laws
of 1911; § 1,
ch. 104,
Laws of 1931.

Section 4. Inasmuch as industry should bear the greater portion of the burden of the cost of its accidents, each employer shall prior to the fifteenth day of every month, 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

Accident
fund.

Medical
aid fund.

Deficits. 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

Assessment. 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.

Authority to change rates.

Basic premium rate; computation of.

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 September 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 consideration, the average cost experience of each employer for each work-man hour in each such class or sub-class over the five-year period immediately preceding September 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 dollars (\$4,000.00) 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 work-man hour over the five-year period next preceding the then last September first, but in no case shall the total rate exceed one hundred sixty per cent (160%) of the basic rate.

The basic premium rates for the accident fund and the medical aid fund, effective immediately upon the passage of this act until so modified by the director of the department of labor and industries, shall be in accordance with the following classifications, sub-classifications and schedules.

		<i>Industrial Insurance Cents per Workman Hour</i>	<i>Medical Aid Cents per Workman Hour</i>	
CLASS 1.				
1-1	Ditches and canals (N. O. S.).....	1.6c	.65c	Rate schedule.
	Canals other than irrigation.....	1.6	.65	
	Excavations (N. O. S.).....	1.6	.65	
	Grading (N. O. S.).....	1.6	.65	
	Diking	1.6	.65	
	Dredging	1.6	.65	
1-2	Well drilling	2.2	1.	
1-3	Shaft sinking (N. O. S.).....	3.2	2.	
	Well digging	3.2	2.	
1-4	Back filling (incidental to pipe laying)	1.6	.9	
	Conduit (construction)	1.6	.9	
	Pipe laying	1.6	.9	
	Sewers	1.6	.9	
	Trenches	1.6	.9	
	Water mains (construction).....	1.6	.9	
1-5	Tunnels (N. O. S.).....	7.5	2.	
1-6	Tunnels (railroad) (includes lining).	4.	1.5	
1-7	Land clearing (includes clearing by all methods)	11.	1.5	

Rate schedule.		<i>Industrial Insurance Cents per Workman Hour</i>	<i>Medical Aid Cents per Workman Hour</i>
1-8	Grading, railroad (excludes logging methods)	3.6c	1.25c
	Railroads, steam (grading).....	3.6	1.25
	Railroads, steam (construction work other than bridge work).....	3.6	1.25
CLASS 2.			
2-1	Breakwater, construction	6.	1.5
	Bridge building (steel, wood, concrete)	6.	1.5
	Bridge foundations	6.	1.5
	Bulkhead construction	6.	1.5
	Concrete culverts (or other types with span more than 12 feet).....	6.	1.5
	Concrete piles in docks and trestles..	6.	1.5
	Jetties	6.	1.5
	Marine railways (construction).....	6.	1.5
	Pile driving	6.	1.5
	Railroads (steam) (bridge and trestle work)	6.	1.5
	Sub-aqueous work	6.	1.5
	Trestles (framed or pile).....	6.	1.5
	Wharf and pier construction.....	6.	1.5
CLASS 5.			
5-1	Washing buildings	2.3	.8
	Window washing (excludes domestics regularly employed for other purposes)	2.3	.8
5-2	Brick work (construction).....	2.	.9
	Chimneys (brick)	2.	.9
	Marble, tile, terra cotta.....	2.	.9
	Slate work	2.	.9
	Stonework on buildings.....	2.	.9
5-3	Furnaces (installation) .....	.8	.65
	Heating systems (installation).....	.8	.65
	Plumbing work .....	.8	.65
	Ventilating systems (installation)....	.8	.65
5-4	Frescoing	2.5	.9
	Kalsomining	2.5	.9
	Painting, building or structures.....	2.5	.9
	Painting (inside or outside work)...	2.5	.9
	Sign painting	2.5	.9
	Whitewashing	2.5	.9
5-5	Advertising signs (wood or metal)...	5.	1.5
	Carpenter work (N. O. S.).....	5.	1.5
	Elevators, freight or passenger (construction)	5.	1.5

	<i>Industrial Insurance Cents per Workman Hour</i>	<i>Medical Aid Cents per Workman Hour</i>	Rate schedule.
Fireproof doors and shutters (erection)	5.0c	1.5c	
Galvanized iron or tin work (roof or cornice)	5.	1.5	
Grain elevators (wood) (construction)	5.	1.5	
Hothouse construction	5.	1.5	
House moving	5.	1.5	
House wrecking	5.	1.5	
Metal ceiling work.....	5.	1.5	
Metal work, ornamental on buildings.	5.	1.5	
Ornamental metal work in buildings..	5.	1.5	
Roof work	5.	1.5	
Safes (installation)	5.	1.5	
Stair building, wooden.....	5.	1.5	
Store or bank fixtures (installation).	5.	1.5	
Vaults (installation)	5.	1.5	
5-6 Chimneys, concrete	3.	1.5	
Concrete buildings (includes erection and tearing down forms).....	3.	1.5	
Concrete construction (N. O. S.).....	3.	1.5	
Concrete culverts (or other types with span less than 12 feet).....	3.	1.5	
Concrete floors and foundations.....	3.	1.5	
Reinforced concrete construction (N. O. S.).....	3.	1.5	
5-7 Flooring compositions (hot or cold)..	2.	.65	
Lathing	2.	.65	
Mantel setting	2.	.65	
Paper hanging	2.	.65	
Plastering	2.	.65	
Tile setting in floors.....	2.	.65	
5-8 Chimneys, metal (erection).....	10.	2.4	
Fire escapes	10.	2.4	
Iron framed structures (other than bridges)	10.	2.4	
Metal smokestacks or chimneys.....	10.	2.4	
Steel frame structures (erection)....	10.	2.4	
Steeples (erection)	10.	2.4	
Structural steel (erection in buildings)	10.	2.4	
Tanks, metal (erection).....	10.	2.4	
Tanks, wooden (erection).....	10.	2.4	
Towers, wood	10.	2.4	
Water towers, metal or wood (erection)	10.	2.4	
Windmills, wood or metal (erection).	10.	2.4	
5-9 Hardwood floors (laying).....	.5	.25	

Rate schedule.		<i>Industrial Insurance Cents per Workman Hour</i>	<i>Medical Aid Cents per Workman Hour</i>
	5-10 Building construction (temporary employers only)	12.0c	2.5c
	General construction (includes all operations by temporary employers in building construction).....	12.	2.5
	Temporary employers in building construction	12.	2.5
	CLASS 6.		
	6-1 Automatic sprinklers (installation)..	.72	.5
	Conduits (placing wires in).....	.72	.5
	Electric apparatus (installing systems in buildings) .....	.72	.5
	Fire alarms (installation).....	.72	.5
	Sprinklers, automatic (installation)..	.72	.5
	6-2 Cable railways (construction).....	1.	.6
	Electric railways (construction)....	1.	.6
	Street railway construction (excludes all bridge and trestle work).....	1.	.6
	Street railway grading.....	1.	.6
	Telephone and telegraph systems (construction)	1.	.6
	Transmission lines (construction)....	1.	.6
	6-3 Belts (erection of shafting, etc.)....	2.35	.8
	Boilers, covering	2.35	.8
	Boilers, engine, steam (installation)..	2.35	.8
	Dynamos (installation)	2.35	.8
	Engine or boilers, steam (installation)	2.35	.8
	Gas machine (installation).....	2.35	.8
	Machinery (N. O. S.).....	2.35	.8
	Machinery (dismantling)	2.35	.8
	Machinery (installation)	2.35	.8
	Steam pipes and boiler (covering)....	2.35	.8
	6-4 Junk dealers	1.2	.75
	CLASS 8.		
	8-1 Asphalt mixing	1.3	.7
	Asphalt paving	1.3	.7
	Bituminous paving (all types).....	1.3	.7
	Block paving	1.3	.7
	Concrete street pavements.....	1.3	.7
	Concrete sidewalks	1.3	.7
	Paving, brick (construction and repair)	1.3	.7
	Plank road (construction).....	1.3	.7
	Sidewalks (plank)	1.3	.7
	Streets, planking	1.3	.7

		<i>Industrial Insurance Cents per Workman Hour</i>	<i>Medical Aid Cents per Workman Hour</i>	
8-2	Grading streets and highways.....	1.7c	1.1c	Rate schedule.
	Road grading (this sub-class is ex- clusively for road, street and high- way grading)	1.7	1.1	
	Street and highway grading (this sub- class is exclusively for street and highway grading)	1.7	1.1	
8-3	Engineers and surveyors (includes city, county, state engineers engaged in field work)	1.	.45	
	Highway maintenance	1.	.45	
	Irrigation ditches, repair and mainte- nance	1.	.45	
	Road maintenance	1.	.45	
	Street employees	1.	.45	
	Street maintenance	1.	.45	
8-4	Gravel bunkers (operation).....	1.2	.7	
	Sand bunkers (operation).....	1.2	.7	
8-5	Gravel pits (operated in connection with road work).....	7.	1.5	
CLASS 9.				
9-1	Boat building (steel hulls).....	1.	1.	
	Shipbuilding (steel hulls, includes all operations within shipyard).....	1.	1.	
9-2	Boat building (wooden hulls).....	1.5	.75	
	Shipbuilding (wooden hulls, includes all operations within shipyard)....	1.5	.75	
9-4	Ferries, steamboats, tugs (operation)	1.	.3	
CLASS 10.				
10-2	Lath mills	1.4	.75	
	Masts (with or without machinery)..	1.4	.75	
	Planing mills (independent).....	1.4	.75	
	Planing mills operated with saw mills	1.4	.75	
	Pole yards (independent of logging operations)	1.4	.75	
	Retail fuel and lumber yards with power driven machinery (includes teamsters, drivers and helpers)....	1.4	.75	
	Sawmills (includes all operations in connection with saw mills).....	1.4	.75	
	Spars (with or without machinery)..	1.4	.75	
	Tie mills	1.4	.75	
10-3	Shingle mills	1.5	.75	
10-6	Creosote works	1.5	.65	
	Pile treating works.....	1.5	.65	
10-7	Lumber inspectors (independent only)	.2	.25	

Rate schedule.		<i>Industrial Insurance Cents per Workman Hour</i>	<i>Medical Aid Cents per Workman Hour</i>
CLASS 11.			
11-1	Drayage (transfer and storage) (includes teamsters, drivers and helpers)	1.2c	.75c
11-2	General hauling (N. O. S.).....	1.5	.8
11-3	Retail fuel and lumber yards without power driven machinery.....	.8	.65
11-4	Auto freight transportation (holders of certificates of necessity and convenience) .....	.5	.45
CLASS 13.			
13-1	Bridge tenders (electrically operated bridges)	1.2	.4
	Electric light and power plants.....	1.2	.4
	Electric systems (N. O. S.).....	1.2	.4
13-2	Steam heat and power plants.....	.3	.3
13-3	Telephone and telegraph (operation and maintenance) (excludes telephone and telegraph operators)....	2.5	.45
CLASS 14.			
14-1	Street railways (operation).....	.4	.25
14-2	Railroads, interurban, electric (operation)	1.5	.45
CLASS 16.			
16-1	Coal mines (includes shaft sinking and all tunnelling in connection with coal mines).....	4.	1.
	Coke ovens (operation) (excludes office force only).....	4.	1.
CLASS 17.			
17-1	Gravel pits (excludes gravel pits operated in connection with road work)	6.	.75
17-2	Mines (other than coal) (includes all shaft sinking and tunnelling in connection with mines other than coal)	2.5	.75
	Ore reduction (by wet or dry process without application of heat at mine)	2.5	.75
	Shaft sinking (metal mines).....	2.5	.75
	Tunneling (metal mines).....	2.5	.75
17-3	Quarries	2.3	.8
	Stone cutting (quarry hazard).....	2.3	.8
17-4	Stone crushing	2.	.6
CLASS 18.			
18-1	Blast furnaces (operation).....	.5	.3
	Rolling mills (operation).....	.5	.3

	<i>Industrial Insurance Cents per Workman Hour</i>	<i>Medical Aid Cents per Workman Hour</i>	
Steel and iron making.....	.5c	.3c	Rate schedule.
Open hearth furnaces (operation)....	.5	.3	
18-2 Smelters (operation) .....	.5	.45	
Copper, lead, zinc, etc., smelting.....	.5	.45	
CLASS 19.			
19-1 Gas works (operation) (excludes meter readers, complaint men, solicitors, and store room employees)...	.5	.3	
CLASS 21.			
21-1 Chop, feed, and flour mills (operation)	.8	.45	
Seed cleaning .....	.8	.45	
21-2 Grain warehouse and elevators (operation) .....	.7	.25	
21-3 General warehouse and storage (operation) .....	.7	.25	
(Excludes operations in connection with Class 11)			
21-4 Fruit warehouses .....	.25	.25	
CLASS 22.			
22-1 Laundries (operation) (includes drivers) .....	.15	.2	
Dye works and cleaners.....	.15	.2	
CLASS 23.			
23-1 Water works (operation).....	1.5	.3	
CLASS 24.			
24-1 Paper mills (operation).....	.7	.6	
Pulp mills (operation).....	.7	.6	
CLASS 29.			
29-1 Cooperage (manufacturing).....	1.5	.45	
Staves, barrel, tub (manufacturing)..	1.5	.45	
Barrels, kegs, pails (manufacturing)	1.5	.45	
Basket manufacturing.....	1.5	.45	
29-2 Sash, door, blinds, etc. (manufacturing) .....	.8	.45	
Planing mill (in connection with sash and door factory).....	.8	.45	
Glazing and beveling glass (in connection with sash and door) .....	.8	.45	
29-3 Excelsior (manufacturing) .....	.7	.45	
Veneering (manufacturing).....	.7	.45	
Cabinet works .....	.7	.45	
Furniture (manufacturing).....	.7	.45	
Boxes and packing cases (manufacturing) .....	.7	.45	

Rate schedule.		<i>Industrial Insurance Cents per Workman Hour</i>	<i>Medical Aid Cents per Workman Hour</i>
	Wooden and fibre ware (manufacturing) .....	.7c	.45c
	Wood working (N. O. S.) .....	.7	.45
	Kindling wood .....	.7	.45
	Wood pipe (manufacturing) .....	.7	.45
	Pattern shops (independent) .....	.7	.45
	CLASS 31.		
	31-1 Building material (N. O. S.) .....	.9	.65
	Concrete blocks and tiles (manufacturing) .....	.9	.65
	Lime (manufacturing) .....	.9	.65
	Oils and paints (manufacturing) .....	.9	.65
	Paints and oils (manufacturing) .....	.9	.65
	Staves (cement) .....	.9	.65
	31-2 Cement (manufacturing) .....	.8	.45
	31-3 Paving blocks (cutting)	1.	.4
	Stone cutting (away from quarry)	1.	.4
	CLASS 33.		
	33-1 Fish canneries .....	.5	.3
	33-2 Fish oil (manufacturing) .....	.3	.4
	Fish products (N. O. S.) .....	.3	.4
	CLASS 34.		
	34-1 Auto garages (includes all operations in connection with garages) .....	.4	.4
	Automobile painting .....	.4	.4
	Vulcanizing .....	.4	.4
	34-2 Blacksmith shops, with machinery .....	.7	.45
	Boiler works .....	.7	.45
	Foundries .....	.7	.45
	Machine shops (N. O. S.) .....	.7	.45
	Wood working (in connection with car building) .....	.7	.45
	34-4 Cans (manufacturing) .....	.4	.4
	Galvanized iron works (manufacturing) .....	.4	.4
	Hardware (manufacturing) .....	.4	.4
	Metal (stamping) .....	.4	.4
	Sheet metal works .....	.4	.4
	Stamping tin or metal .....	.4	.4
	Tin stamping .....	.4	.4
	Tin works .....	.4	.4
	34-5 Aeroplane pilots and instructors	35.	1.5
	34-6 Gas service stations .....	.5	.25
	Oil service stations .....	.5	.25
	34-7 Merchandising of oils .....	.3	.25

		<i>Industrial Insurance Cents per Workman Hour</i>	<i>Medical Aid Cents per Workman Hour</i>	
CLASS 35.				
35-1	Brick (manufacturing)	1.0c	.4c	Rate schedule.
	Earthenware (manufacturing)	1.	.4	
	Fire clay products (manufacturing)	1.	.4	
	Porcelain ware (manufacturing)	1.	.4	
	Pottery (manufacturing)	1.	.4	
	Terra cotta (manufacturing)	1.	.4	
	Tile (manufacturing)	1.	.4	
35-2	Briquettes (manufacturing)	3.	.3	
	Charcoal burning	3.	.3	
	Peat fuel (manufacturing)	3.	.3	
35-3	Glass (manufacturing)	3.	.3	
CLASS 37.				
37-1	Alcohol (manufacturing) . . . . .	.8	.6	
	Ammonia (manufacturing) . . . . .	.8	.6	
	Nitrogen (manufacturing) . . . . .	.8	.6	
	Oxygen (manufacturing) . . . . .	.8	.6	
37-2	Bottling works (includes teamsters and helpers) . . . . .	.6	.4	
	Breweries (includes teamsters and helpers) . . . . .	.6	.4	
CLASS 38.				
38-1	Brooms (manufacturing) . . . . .	.1	.3	
	Brushes (manufacturing) . . . . .	.1	.3	
38-2	Cloth (working in) . . . . .	.05	.15	
	Textiles (manufacturing) . . . . .	.05	.15	
	Textiles (N. O. S.) . . . . .	.05	.15	
38-3	Cordage (manufacturing) . . . . .	.15	.2	
38-4	Asbestos products (manufacturing) . . . . .	.1	.2	
	Leather (working in) . . . . .	.1	.2	
	Rubber (working in) . . . . .	.1	.2	
38-5	Paper (working in) . . . . .	.4	.3	
	Paper products (manufacturing) . . . . .	.4	.3	
CLASS 39.				
39-1	Bakeries . . . . .	.3	.25	
	Candy or cracker (manufacturing) . . . . .	.3	.25	
	Macaroni making . . . . .	.3	.25	
39-2	Canneries (fruit and vegetables) . . . . .	.5	.45	
	Foodstuffs (working in) (N. O. S.) . . . . .	.5	.45	
	Fruits (canning) . . . . .	.5	.45	
	Fruits (working in) . . . . .	.5	.45	
39-3	Sugar refineries (operation) . . . . .	.8	1.	
CLASS 40.				
40-1	Condensed milk (operation) . . . . .	.3	.25	
40-2	Cheese making . . . . .	.4	.3	
	Creameries (operation) (includes drivers) . . . . .	.4	.3	
	Ice cream (manufacturing) . . . . .	.4	.3	

Rate schedule.		<i>Industrial Insurance Cents per Workman Hour</i>	<i>Medical Aid Cents per Workman Hour</i>	
	CLASS 41.			
	41-1	Electrotyping .....	.2c	.2c
		Engraving (photo-engraving).....	.2	.2
		Lithographing .....	.2	.2
		Photo-engraving .....	.2	.2
	41-2	Linotype operators (includes all em- ployees in room with machinery)..	.15	.2
		Printing .....	.15	.2
	41-3	Jewelry (manufacturing).....	.15	.2
		Jewelry engraving.....	.15	.2
	CLASS 42.			
	42-1	Longshoring and stevedoring.....	2.5	1.
	42-2	Wharf and pier (operation).....	1.25	.65
	CLASS 43.			
	43-1	Fertilizer (manufacturing).....	.7	.5
		Lard making.....	.7	.5
		Meat products (canneries).....	.7	.5
		Packing houses (includes all opera- tions in connection with the meat packing industry).....	.7	.5
		Slaughter houses.....	.7	.5
		Stockyards (operation).....	.7	.5
		Tallow making.....	.7	.5
		Tanneries .....	.7	.5
	43-2	Garbage works.....	.5	.6
		Incinerators .....	.5	.6
	43-3	Meat markets (retail) (with power driven machinery) .....	.5	.4
		Soap making.....	.5	.4
	CLASS 44.			
	44-1	Cold storage plants (refrigeration)...	.7	.65
		Ice, artificial (manufacturing and de- livery) .....	.7	.65
		Refrigerating or cold storage plants (operation) .....	.7	.65
	44-2	Ice, natural (harvesting and han- dling)	1.	.6
	CLASS 45.			
	45-1	Moving picture operators.....	.1	.15
		Theatre stage employees.....	.1	.15
	CLASS 46.			
	46-1	Powder works (manufacturing).....	.7	.45
	46-2	Fireworks (manufacturing).....	.2	.45
	CLASS 48.			
		Elective adoption (sub-classes as fol- lows):		

	<i>Industrial Insurance Cents per Workman Hour</i>	<i>Medical Aid Cents per Workman Hour</i>	
48-1	Caretakers (N. O. S.) .....	.15c	.2c
	Clerks (N. O. S.) .....	.15	.2
	Janitors (N. O. S.) .....	.15	.2
	Office employees (N. O. S.) .....	.15	.2
48-2	Automobile and truck drivers (where general occupation is not extra- hazardous) .....	.4	.3
48-3	Agricultural workers .....	.7	.45
48-4	Taxi drivers .....	.05	.3
48-5	Inside occupations (N. O. S.) .....	.2	.3
48-6	Outside occupations (N. O. S.) .....	.2	.3
CLASS 49.			
49-1	Foresters (employed by state)	1.1	.3
	Guards (penitentiary and other penal institutions) (employed by state) ..	1.1	.3
	Marshals and other salaried peace of- ficers	1.1	.3
	Peace officers, on salary	1.1	.3
	Policemen	1.1	.3
	Sheriffs and their salaried deputies ..	1.1	.3
	Wardens, fish and game (employed by state)	1.1	.3
49-2	Forest rangers having police power ..	5.	2.
	Highway patrol (state)	5.	2.
49-3	Employees Department of Labor and Industries .....	.02	.03
CLASS 50.			
50-1	Cordwood cutting	4.25	1.25
	Grading (logging railroads only)	4.25	1.25
	Logging (includes all operations in connection with logging)	4.25	1.25
	Logging, railroad (construction)	4.25	1.25
	Logging, railroad (grading)	4.25	1.25
	Logging, driving and booming	4.25	1.25
	Rafting logs (N. O. S.)	4.25	1.25
	Railroads, steam (operation)	4.25	1.25
	Shingle bolt cutting	4.25	1.25
	Tie cutting	4.25	1.25
50-2	Booming logs (this sub-class exclu- sively for independent boom com- panies)	1.5	.4

Every employer who shall enter into any business, or who shall resume operations in any work or plant after the final adjustment of his payroll in connection therewith, shall, before so commencing

Estimate of
pay roll.

or resuming operations, as the case may be, notify the director of labor and industries of such fact, accompanying such notification with an estimate of his payroll and work-men hours for the first calendar month of his proposed operations, and shall make payment of the premium on such estimate. Every such employer shall be liable for a premium of at least such estimate. Every such employer shall pay the full basic rate until such time as an experience rating in excess of a one, two, three or four year period may be computed as of a first succeeding September first date, and shall be liable for a premium of at least one dollar irrespective of the amount of his work-man hours.

Change:
determina-
tion of.

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.

Statement of
employer.

Every employer within the provisions of this act shall on or before the fifteenth day of each month 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 month, the total amount paid to such workmen during such preceding calendar month, 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.

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 Compiled Statutes of Washington.

Record of employment.

In all cases where partners or other persons are excluded on the payroll such statement shall state both the names and occupations of the parties excluded and no such person shall be entitled to compensation unless notice in writing that such excluded person has been included is received by the department prior to the date of injury to such person. Such employer shall at the time of reporting his payroll and work-men hours also state the names and addresses of any contractor or sub-contractor operating for or under him.

Persons excluded on pay roll.

Contractors, sub-contractors.

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 one hundred dollars (\$100.00) for each such offense, to be collected by civil action in the name of the state and paid into the accident fund.

Failure to keep record or make report.

Every employer who shall fail to furnish an estimate of payroll and work-men hours and make payments as above provided shall be liable to a penalty of not to exceed five hundred dollars (\$500.00) 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 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

Failure to furnish estimate.

Waiver of penalty.

Injury dur-
ing default
period.

under this act. In respect to any injury happening to any of his workmen during the period such employer shall be in default in the payment of any premium, if such default be after demand for payment, or if such employer shall be in default for failure to furnish the department with an estimated payroll and work-men hours or with monthly reports of his payroll and work-men hours as required by this section, the defaulting employer shall not be entitled to the benefits of this act, but shall be liable to suit by the injured workman (or his beneficiaries and dependents), at his or their option, as he would have been on March 14, 1911, and in any action brought against such employer, it shall be no defense for such employer to show that such injury was caused in whole or in part by the negligence of a fellow servant of the injured workman, that the negligence of the injured workman, other than his wilful act committed for the purpose of sustaining the injury contributed to the accident or that the injured workman had knowledge of the danger or assumed the risk which resulted in his injury. If such injured workman or his beneficiaries, or dependents, shall elect to take under this act, such action against the employer shall revert to the state for the benefit of the accident fund and/or medical aid fund.

Employer
liable.

Misrepresent-
ation;

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

knowingly
made.

Any person, firm or corporation who not having previously reported to the department shall establish any new plant, or works; or enter upon the performance of any new building contract or construction contract and who shall fail to send written notice thereof to the department within five days after such establishing or entering, shall be guilty of a misdemeanor.

Failure to notify department.

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.

Segregation of accounts by classes.

"Accident fund."

The medical aid fund created in section 7713 of Remington's Compiled 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.

No segregation.

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 consoli-

Self-supporting.

date such class or classes, making such adjustment or transfer of funds as it may deem proper.

Deduction from earnings of workmen.

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 in to 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 as between classes of industries if and as experience shall show error or inaccuracy therein. 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 for in section 7697 of Remington's Compiled Statutes.

Changes in classification.

Several occupations in one establishment.

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 work-men 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 work-men 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 work-men hours of each occupation shall not be denied the employer without hearing.

Computation of premium.

Attorney for department.

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.

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.

Coal mines.

Building industry.

SEC. 2. In order that the rates contemplated by this amendment may be adjusted and adopted in accordance therewith for the current year, the department of labor and industries may readjust the now existing rates in accordance with this act to take effect as of April 1st, 1933, but this section shall only relate to the current year.

Effective April 1, 1933.

SEC. 3. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Effective immediately.

Passed the House March 3, 1933.

Passed the Senate March 8, 1933.

Approved by the Governor March 21, 1933.