

SEC. 3. This act is necessary for the immediate preservation of the 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 House March 14, 1935.

Passed the Senate March 14, 1935.

Approved by the Governor March 25, 1935.

CHAPTER 184.

[S. H. B. 483.]

SUPERVISION AND REGULATION OF MOTOR VEHICLE TRANSPORTATION.

AN ACT relating to the transportation of property by motor vehicle over the public highways of the State of Washington, providing for the supervision and regulation, and the payment of fees thereby; providing for joint rates by common carriers by rail, motor vehicle, express and water; providing for taxation of motor vehicles, defining offenses and providing penalties therefor; providing for and continuing a commission to determine fair and proper motor vehicle tax rates, defining its duties and making an appropriation therefor; prescribing the powers and duties of certain officers, repealing certain acts and parts of acts, and declaring an emergency and providing the effective dates of the provisions of this act.

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

SECTION 1. The business of operating as a motor carrier of freight for hire along the highways of this state is declared to be a business affected with a public interest. The rapid increase of motor carrier freight traffic and the fact that under the existing law many motor trucks are not effectively regulated have increased the dangers and hazards on public highways and make it imperative that regulation should be employed to the end that the

Transportation of property by motor vehicles.

highways may be rendered safe for the use of the general public; that the shippers of the state may be provided with a stabilized service and rate structure; that the use of the highways for the transportation of property may be regulated to the extent required by the convenience of the general public.

Definitions.

SEC. 2. When used in this act:

"Person."

(a) The term "person" means and includes an individual, firm, copartnership, corporation, company, association or their lessees, trustees or receivers.

"Department."

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

"Motor vehicle."

(c) The term "motor vehicle" means any truck, trailer, semi-trailer, 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.

"Public highway."

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

"Common carrier."

(e) The term "common carrier" means any person who undertakes to transport property for the general public by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules, including motor vehicle operations of carriers by rail or water and of express or forwarding companies.

"Contract carrier."

(f) The term "contract carrier" means any person, not included under paragraph "e" of this section, who under special and individual contracts or agreements transports property by motor vehicle for compensation.

"Special carrier."

(g) The term "special carrier" means any person engaged exclusively in the transportation of logs, piling, poles, pulpwood, coal, minerals, sand, gravel, rock and other building materials in vehicles

especially constructed and equipped for handling such commodities and operating for compensation.

(h) The term "private carrier" means any person engaged in the transportation in his own vehicle of property owned, sold or to be sold by him in the furtherance of any private commercial enterprise or for the purpose of lease, rent or bailment.

"Private carrier."

(i) The term "motor carrier" means and includes "common carrier," "contract carrier," "special carrier," "private carrier" and "exempt carrier" as herein defined.

"Motor carrier."

(j) The term "exempt carrier" means any person operating a vehicle exempted from certain provisions of this act under section 3 hereof.

"Exempt carrier."

(k) The term "vehicle" means every device capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rail or tracks.

"Vehicle."

The terms "common carrier" and "contract carrier" shall include persons engaged in the business of providing, contracting for, or undertaking to provide transportation of property for compensation over the public highways of the State of Washington as brokers or forwarders.

"Common carrier" and "Contract carrier."

SEC. 3. The provisions of this act, except where specifically otherwise provided, and except the provisions providing for licenses, shall not apply to:

Not applicable to.

(a) Motor vehicles operated exclusively within the corporate limits of any city or town.

(b) Motor vehicles operated exclusively in the transportation of the United States mail or in the transportation of newspapers or periodicals.

(c) Motor vehicles owned and operated by the United States, the State of Washington, or any

county, city, town or municipality therein, or by any department of them, or either of them.

(d) Vehicles specially constructed for towing or wrecking and not otherwise used in transporting goods for compensation.

(e) Motor vehicles owned and operated by farmers in the transportation of their own farm, orchard or dairy products from point of production to market, or in the infrequent or seasonal transportation by one farmer for another in his immediate neighborhood of products of the farm, orchard or dairy, or of supplies or commodities to be used on the farm, orchard or dairy.

(f) Motor vehicles operating under special contract or agreement with the Federal or state relief administrations or welfare departments, or transporting wood for fuel from point of production to market or assembling place.

If it is held that it is necessary that any of the persons or vehicles aforesaid be included under any of the provisions of this act to sustain the validity or constitutionality thereof they shall be deemed so included.

Unlawful to
operate as
"motor
carrier."

SEC. 4. It shall be unlawful for any person to operate as a "motor carrier" on any public highway of this state except in accordance with the provisions of this act.

Permits.

SEC. 5. No "common carrier," "contract carrier," or "special carrier" shall hereafter operate for the transportation of property for compensation in this state without first obtaining from the department a permit so to do under the provisions of this act. A permit shall be issued to any qualified applicant therefor without hearing, or after hearing if the department deems such hearing necessary in the public interest, authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing and able to

perform the service proposed and to conform to the provisions of this act and the requirements, rules and regulations of the department hereunder, and that the proposed service to the extent authorized will not be contrary to the declared policy of this act.

Require-
ments.

No permit shall be granted if the department finds that the applicant is not financially able, properly and adequately equipped and capable of conducting the transportation service applied for in compliance with the law and rules and regulations of the department, or if the applicant or any of its principal officers or stockholders fail to comply with the laws of the State of Washington or with the laws of the United States regulating motor transportation.

Compliance
with laws
and rules of
department.

Nothing contained in this act 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. No certificate of public convenience and necessity shall be required and existing certificates of public convenience and necessity for the transportation of property for compensation are hereby abolished.

Abolishment
of existing
certificates.

SEC. 6. Application for permits shall be made to the department in writing and shall state the ownership, financial condition, equipment to be used and physical property of the applicant, the territory or route or routes in or over which the applicant proposes to operate, the nature of the transportation to be engaged in and such other information as the department may require, and in case such application is that of a "contract carrier" shall have attached thereto the original or duly verified copies of all contracts to furnish transportation covered by such application.

Application
for permits.

Forms of applications.

SEC. 7. The department shall prescribe forms of application for permits for the use of prospective applicants, and shall make regulations for the filing thereof.

Fees.

Applications for permits shall be accompanied by the following fees:

- Applications for permits \$10.00
- Applications for temporary permits.. 5.00
- Applications for duplicates to permits or permits under this act in place of certificates of public convenience and necessity or permits now in existence 2.00

Form of permits.

SEC. 8. Permits granted by the department shall be in such form as the department shall prescribe and shall set forth the name and address of the person to whom the permit is granted, the nature of the transportation service to be engaged in and the principal place of operation, termini or route to be used or territory to be served by the operation. No permit holder shall operate except in accordance with the permit issued to him.

Eligibility to renew application.

SEC. 9. No person whose application for a permit has been denied after hearing under any of the provisions of this act shall be eligible to renew the application for a period of six months from the date of the order denying such application and the cessation or abandonment of any operation pursuant thereto.

Establishment of classifications of groups of carriers.

SEC. 10. The department may from time to time establish such just and reasonable classifications of the groups of carriers included in the terms "common carriers," "contract carriers" and "special carriers" as the special nature of the services performed by such carriers shall require, and such just and reasonable rules, regulations and requirements, consistent with the provisions of this act, to be ob-

served by the carriers so classified or grouped, as the department deems necessary or advisable in the public interest.

SEC. 11. The department is hereby vested with power and authority, and it is hereby made its duty, to supervise and regulate every "common carrier" in this state; to fix, alter and amend just, fair, reasonable and sufficient rates, charges, classifications, rules and regulations of each such carrier; to regulate the accounts, service and safety of operations thereof; to require the filing of annual and other reports and of other data thereby; and to supervise and regulate such "common carriers" in all other matters affecting their relationship with both the shipping and the general public.

Regulation
of "common
carrier."

SEC. 12. The department is hereby vested with power and authority, and it is hereby made its duty, to supervise and regulate every "contract carrier" and "special carrier" in this state; to fix, alter and amend just, fair and reasonable classifications, rules and regulations and minimum rates and charges of each such "contract carrier" and "special carrier;" to regulate the accounts, service and safety of operations thereof; and require the filing of annual and other reports and of other data thereby; and to supervise and regulate such "contract carriers" and "special carriers" in all other matters affecting their relationship with both the shipping and the general public.

Supervision
and regula-
tion of "con-
tract and
special
carrier."

SEC. 13. The department is hereby vested with power and authority, and it shall be its duty, to supervise and regulate every "private carrier" and "exempt carrier" as to its safety of operation; to require the filing of such information and data thereby as may be required by the department in carrying out the provisions of this act; and to supervise and regulate such "private carriers" and "exempt carriers" in all other matters affecting their

Regulation
of "private
and exempt
carriers."

relationship with the shipping and the general public.

Temporary
permits.

SEC. 14. The department shall have power and authority to issue temporary permits to temporary "common carriers," "contract carriers" and "special carriers" covering temporary or seasonal operations for a period 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.

Motor
vehicle : use
of.

SEC. 15. 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, whether title thereto has been taken merely for the period of transportation or until delivery thereof at the point of destination, whether the carrier is regularly engaged in the buying and selling of the property transported as his principal business, whether an increased selling price assignable to the cost of transportation is charged for the property transported when delivered at the point of delivery as compared with the price charged when delivered at the point of shipment, and such other facts as indicate the true nature and extent of such use and the receipt of compensation therefor; and in all cases where any compensation for transportation is received, either directly or indirectly, the question shall be determined upon disclosing and reporting to the department of such facts as it shall require.

Charges.

Liability and
property
damage
insurance.

SEC. 16. The department shall in the granting of permits to "common carriers" and "contract carriers" under this act require such carriers to either procure and file liability and property damage insurance from a company licensed to write such in-

insurance in the State of Washington, or deposit such security, 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, or deposit of security, 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.

Fixing of amount.

SEC. 17. The department is hereby vested with power and authority, and it is hereby made its duty, in issuing permits to "special carriers," to attach thereto such terms and conditions and to require such insurance or security as it may deem necessary for the protection of the public highways and to be for the best interest of the shipping and the general public. All such permits shall be deemed temporary and may be revoked by the department upon recommendation of the state or county authorities in charge of highway maintenance when in the judgment of such authorities such revocation is required in order to preserve the public highways.

Permits to "special carriers."

Temporary permits.

SEC. 18. No "common carrier," "contract carrier," "special carrier," or "private carrier," its officers or agents, shall require or permit any driver or operator of any motor vehicle used in the transportation of property to be or remain on duty for a longer period than ten consecutive hours, and whenever any such driver or operator shall have been continuously on duty for ten hours he shall be relieved and not required or permitted again to go on duty until he has at least eight consecutive hours off duty; and no such driver or operator who has been on duty ten hours in the aggregate in any

Hours of duty.

twenty-four hour period shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty: *Provided*, That the provisions of this section shall not apply to any case of casualty or unavoidable accident or the act of God, nor to the crews of wrecking or relief motor vehicles.

Shall not apply.

Rates, charges and regulations made public.

SEC. 19. All rates and charges made and all rules, regulations and practices adopted by each "common carrier" shall be plainly stated in tariff schedules or classifications available to the public at the office of such carrier and filed with the department before such rates, charges, classifications, rules, regulations and practices become effective.

Shall not charge more, nor make refunds.

No "common carrier" or "contract carrier" shall collect or receive a greater, less or different remuneration for the transportation of property or for any service in connection therewith than the rates and charges which shall have been legally established and filed with the department, or as are specified in the contract or contracts filed, as the case may be, nor shall any such carrier refund or remit in any manner or by any device any portion of the rates and charges required to be collected by each tariff or contract or filing with the department.

Dept. may check records.

The department may check the records of all carriers under this act and of those employing the services of the carrier for the purpose of discovering all discriminations, under or overcharges and rebates, and may revoke permits for violations of this section.

Dept. may refuse to accept schedule, tariff or contract.

The department may refuse to accept any time schedule or tariff or contract that will, in the opinion of the department, limit the service of a carrier to profitable trips only or to the carrying of high class commodities in competition with other carriers who give a complete service and thus afford one carrier an unfair advantage over a competitor.

SEC. 20. The department shall have power and authority to require a common carrier by motor vehicle, railroad, express or water to establish reasonable through rates with other common carriers by motor vehicle, railroad, express and water, and to provide safe and adequate service, equipment and facilities for the transportation of property; to establish and enforce just and reasonable individual and joint rates, charges and classifications, and just and reasonable regulations and practices relating thereto, and in case of such joint rates, fares and charges to establish just, reasonable and equitable divisions thereof as between the carriers participating therein, which shall not unduly prefer or prejudice any of such participating carriers.

Dept. may establish rates.

SEC. 21. The department may, under such rules and regulations as it shall prescribe, require any common carrier to file a surety bond, or deposit security, in a sum to be determined by the department, to be conditioned upon such carrier making compensation to shippers and consignees for all money belonging to shippers and consignees, and coming into the possession of such carrier in connection with its transportation service. Any common carrier which may be required by law to compensate a shipper or consignee for any loss, damage or default for which a connecting common carrier is legally responsible shall be subrogated to the rights of such shipper or consignee under any such bond or deposit of security to the extent of the sum so paid.

May require bond.

SEC. 22. It shall be unlawful for any person to operate any vehicle at the same time in more than one class of operation, except upon approval of the department and a finding that such operation will be in the public interest.

Shall not operate vehicle in more than one class of operation.

No "private carrier" as such shall transport property for compensation.

"Private carrier."

"Exempt
carrier."

No "exempt carrier" as such shall transport property for compensation except as hereinabove provided.

No permit
irrevocable.

SEC. 23. No permit issued under the authority of this act shall be construed to be irrevocable, or subject to transfer or assignment.

Shall notify
dept. upon
cessation.

Every carrier who shall cease operation and abandon his rights under the permit issued him shall notify the department within thirty (30) days of such cessation or abandonment, and return to the department the identification plates issued to him by the department.

Dept. may
cancel
permits.

SEC. 24. Permits may be cancelled, suspended, altered or amended by the department after notice and hearing upon complaint by any interested party, or upon its own motion, when the permittee or his or its agent has repeatedly violated this act, the rules and regulations of the department or the motor laws of this state or of the United States, or the permittee has made unlawful rebates or has not conducted his operation in accordance with the permit granted him. Any person may at the instance of the department be enjoined from any violation of the provisions of this act, or any order, rule or regulation made by the department pursuant to the terms hereof. If such suit be instituted by the department no bond shall be required as a condition to the issuance of such injunction.

Dept. may
prescribe
rules.

SEC. 25. The department shall have power and authority, by general order or otherwise, to prescribe rules and regulations in conformity with this act to carry out the purposes thereof, applicable to any and all "motor carriers," or to any persons transporting property by motor vehicle for compensation even though they do not come within the term "motor carrier" as herein defined.

The department shall mail each holder of a permit under this act a copy of such rules and regulations.

SEC. 26. The department shall prescribe an identification card which must be displayed within the cab of each motor vehicle required to have a permit under this act, setting out permit number and the route over or territory in which the vehicle is authorized to operate and the name and address of the owner of said permit. 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 the owner of said permit, his agent, servant or employee, or any other person to use or display said identification card, the permit number or other insignia of authority from the department after said permit has expired, been cancelled or disposed of, or to operate any vehicle under permit without such identification card.

Identification cards.

SEC. 27. It shall be unlawful for any "common carrier," "contract carrier," or "special carrier" 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. Such plates shall be different in design for the different classes of permits, shall bear the number given to the vehicle by the department, and such other marks of identification as may be required, and, subject to the qualification hereinafter contained, shall be in addition to the regular license plates required by law. Such plates shall be issued annually and attached to each motor vehicle not later than January first of each year, or as soon thereafter as possible.

Identification plates.

The department shall 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

Fee for plates.

state treasury to the credit of the public service revolving fund.

Combination license and identification plate.

The directors of public service and licenses are authorized and may devise a combination license and identification plate. If they find that such a plate is practicable it shall be issued with the beginning of a calender year and thereafter the plate fees specified by this act shall no longer be required.

Rules with respect to plates.

The department may prescribe rules and regulations with respect to the use of the present identification plates issued heretofore for the calendar year 1935 to the end that duplication and unnecessary exchange of plates may be eliminated.

Shall file a quarterly return of gross operating revenue.

SEC. 28. Every "common carrier" and "contract carrier" and "special 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 department a return showing the gross operating revenue of such carrier for the preceding three months, or portion thereof, and shall pay to the department a fee of one per cent of the amount of such gross operating revenue.

Fee of one per cent of operating revenue.

Moneys received under act.

All moneys collected under this act, except the fees collected under sections 35, 36, and 37 herein, 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. The minimum fee paid by any such carrier under the provisions of this act for any such quarter shall be fifty cents. There shall be added a penalty of ten per cent, but not less than fifty cents, to the sums payable under this section if the same are not paid within fifteen days of the time when delinquent.

Delinquencies.

Dept. may adjust percentage rate.

The percentage rate of gross operating revenue to be paid as herein provided shall be subject to future adjustment by the department, which per-

centage, not exceeding one per cent, shall be fixed by the department by general order from time to time.

In fixing such rate the department shall take into consideration all moneys on hand paid in by such carriers to the end that the moneys collected hereunder shall be neither more nor less than sufficient to cover the cost of supervising and regulating carriers under this act. The director of public service and the tax commission may if they find it practicable, arrange for the joint return and collection of said fee and any business or occupational tax imposed by law on said carriers, and for such purpose may alter the period for which returns are required as herein provided.

SEC. 29. The department is hereby empowered to administer and enforce all provisions of this act and to inspect the vehicles, books and documents of all "motor carriers" and the books, documents and records of those using the service of the carriers for the purpose of discovering all discriminations and rebates and other information pertaining to the enforcement of this act and shall prosecute violations thereof. The department shall employ such auditors, inspectors, clerks and assistants as it may deem necessary for the enforcement of this act, and it shall be the duty of the Washington state patrol to assist in the enforcement of this act, and the duty of the attorney general to assign at least one assistant to the exclusive duty of assisting the department in the enforcement of this act, and the prosecution of persons charged with the violation thereof. It shall be the duty of the sheriffs of the counties to make arrests and the county attorneys to prosecute violations of this act.

Administra-
tion and
enforcement
of act.

SEC. 30. In all respects in which the department has power and authority under this act applications and complaints may be made and filed with it, proc-

Applications
and com-
plaints filed
with dept.

ess 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.

Violations of act.

SEC. 31. Every person who violates or who procures, aids or abets in the violation of any provisions of this act, or who fails to obey any order, decision, rule or regulation of the department, or who procures or aids or abets any person in his failure to obey such order, decision, rule or regulation, shall be deemed guilty of a gross misdemeanor, and upon conviction shall be punished by a fine of not exceeding five hundred dollars (\$500.00), or imprisonment in the county jail for not more than one hundred and twenty (120) days, or both such fine and imprisonment. The officers of the department and the inspectors and auditors designated thereby and members of the Washington state patrol shall have all the lawful powers of peace officers to enforce this act in any county or city of this state.

Gross misdemeanor and fine.

Conviction of second violation.

Upon conviction of any person, firm or corporation for a second violation of this act, the court or judge before whom such conviction is had, shall, in addition to any other penalty imposed, suspend the certificate of registration covering the vehicle involved in such violation for a period of thirty days, and for a third or subsequent conviction, the court or judge shall, in addition to any other penalty imposed, suspend the permit of the owner of the vehicle involved in such violation for a period of three months. Each day's violation of this act or any order, decision, rule or regulation of the department shall constitute a separate offense.

SEC. 32. This act shall apply to persons and motor vehicles engaged in interstate commerce to the full extent permitted by the constitution and laws of the United States.

Interstate
commerce.

SEC. 33. The department is hereby authorized and directed to cooperate with the Federal government and the interstate commerce commission of the United States or any other commission or organization delegated or authorized to regulate interstate or foreign commerce by motor carriers to the end that the transportation of property by motor carriers in interstate or foreign commerce into and through the State of Washington may be regulated and the laws of the United States and the State of Washington enforced and administered cooperatively in the public interest.

Cooperation
with Federal
laws.

SEC. 34. The department is hereby authorized to make agreements on behalf of the State of Washington with any other state or states providing for reciprocal rights, privileges and courtesies, between the licensees and permittees of the said state or states and the State of Washington regarding licenses and the transportation of property into or through the respective state or states and the State of Washington.

Agreements
with other
states.

SEC. 35. Except as otherwise specifically provided by law for the licensing of vehicles, there shall be paid and collected annually for each calendar year or fractional part thereof upon each vehicle a license fee in the sum of three dollars (\$3.00); and in addition thereto for each for-hire car three dollars (\$3.00) per seat for the seating capacity, thereof, and for each auto stage four dollars and fifty cents (\$4.50) per seat for the seating capacity thereof. There shall be paid for each calendar year or fractional part thereof by dealers for dealers' license five dollars (\$5.00), which shall include one set of dealer's license plates, and for additional sets

License fees.

in duplicate of the dealer's license but bearing appropriate distinguishing symbols, the sum of two dollars (\$2.00) for each additional set of two plates.

Weight fees.

SEC. 36. In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each motor truck, trailer and semi-trailer, based upon the maximum gross weight thereof as set by the licensee in his application or otherwise, the following fees: 5,000 pounds or more and less than 10,000 pounds, \$10.00; 10,000 pounds or more and less than 15,000 pounds, \$18.00; 15,000 pounds or more and less than 20,000 pounds, \$45.00; 20,000 pounds or more and less than 25,000 pounds, \$90.00; 25,000 pounds or more and less than 30,000 pounds, \$150.00; 30,000 pounds or more, \$250.00: *Provided*, In case any such motor truck, trailer or semi-trailer shall be propelled by steam, electricity, natural gas or any inflammable petroleum product other than motor vehicle fuel, the foregoing schedule of fees shall be increased in each instance by fifty per cent (50%) thereof and paid in addition to any excise tax on such fuel: *Provided further*, The maximum gross weight in case of any motor truck, trailer or semi-trailer shall be the scale weight of such motor truck, trailer or semi-trailer unladen to which shall be added the maximum load to be carried thereon as set by the licensee: *Provided further*, That the additional fee provided in this section shall not be collected on any motor truck, trailer or semi-trailer used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, wrecker, donkey engine, cook house, tool house, bunk house or similar machine or structure attached to or made a part of such motor truck or trailer: *Provided, further*, That in lieu of the additional fee herein set forth for trailers of a carrying capacity in excess of 20,000 pounds the operation of which is carried on under special per-

Fees increased for vehicles otherwise propelled than by motor fuel.

Determination of weight.

Fee not collectible.

Per diem fee on trailers.

mit from the department of highways, there shall be paid a per diem fee of ten dollars (\$10.00) per day for each day's operation on the streets and highways within this state. The per diem fee shall be paid to the director of licenses in such a manner and at such time as he shall by general rules provide: *Provided, further,* That every motor truck, trailer and semi-trailer shall have painted or stenciled upon the outside thereof in a conspicuous place in letters not less than two (2) inches high the maximum gross weight for which additional license fee has been paid therefor as provided in this section, and it shall be unlawful for the owner or operator of any such motor vehicle to display a maximum gross weight for which such vehicle is licensed other than that shown on the certificate of registration of such vehicle: *Provided, further,* That 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, further,* That the provisions of this section and sections 35 and 37 shall become effective on the first day of December, 1935: *Provided, further,* That the present fees for the licensing of vehicles shall remain in effect until the provisions of this section become effective.

SEC. 37. Any person who shall operate or cause to be operated upon any public highways of this state any motor truck, trailer or semi-trailer with a maximum gross weight in excess of that for which the same has been licensed shall be guilty of a misdemeanor. Any person who shall operate or cause to be operated upon any public highway of this state any motor truck, trailer or semi-trailer with a maximum gross weight in excess of the maximum gross weight for which the same has been licensed shall be deemed to have set a new maximum gross weight and shall in addition to any penalties otherwise provided be required to purchase additional license up

Shall display maximum gross weight.

Unlawful to carry passengers unless so licensed.

§§ 35, 36, 37 effective Dec. 1, 1935.

Misrepresentation of weight.

Misdemeanor.

Additional license.

Not appli-
cable to for-
hire vehicles.

Penalties.

Motor
vehicle fund.

Apportion-
ment of
special taxes.

to such new maximum gross weight and any such person who fails to secure such additional license shall be guilty of a misdemeanor: *Provided*, That this section shall not apply to for-hire vehicles or auto stages operating principally within incorporated cities and towns: *Provided, further*, That no such person may be permitted or required to purchase additional license upon a gross weight which would exceed the maximum gross weight allowed by law. Any person violating any of the provisions of this section shall, upon a first conviction, pay a fine of not less than ten dollars (\$10.00) or more than twenty-five dollars (\$25.00); upon a second conviction pay a fine of not less than twenty-five dollars (\$25.00) or more than fifty dollars (\$50.00), and in addition the court may suspend the certificate of registration of such vehicle for not more than thirty days; upon a third and subsequent conviction pay a fine of not less than fifty dollars (\$50.00) or more than one hundred dollars (\$100.00), and in addition the court shall suspend the certificate of registration of such vehicle for not less than thirty or more than ninety days. Upon ordering the suspension of any such certificate of registration the court or judge so ordering shall forthwith secure such registration certificate and mail the same to the director of licenses. All moneys collected under sections 35, 36 and this section shall be paid to the state treasurer and credited to the Motor Vehicle Fund.

SEC. 38. It is hereby declared that the apportionment of special taxes among motor vehicles of various types should be placed upon a fair basis with respect to every phase of the use made of highways and with due reference to the administration, maintenance and construction of highways and the congestion caused thereby; it is further declared that there is not now a sufficient collection of data upon which the proper apportionment of such taxes

may be based and that there is a need for continued scientific study with reference to the proper and fair special tax for each class of motor vehicle.

SEC. 39. There is hereby created and continued in existence a commission for the purpose hereinafter set forth, which commission shall be composed of three members, one of whom shall be the director of highways, the second a transportation engineer of reputable standing to be appointed by the governor, and the third the director of public service.

Creation of commission.

SEC. 40. The said commission shall continue to make a study of facts upon which there may be based legislation providing for the proper apportionment of highway costs and a fair special tax to various types of motor vehicles using the highways according to all elements which may properly enter into a determination of the fair and proper taxation of each.

Commission shall study facts regarding fair methods of taxation.

SEC. 41. The further study of the commission herein provided for shall supplement report of the highway cost commission to the legislature of 1935 and shall be submitted to each duly elected member of the Senate and House of Representatives of the State of Washington not later than the first day of December, 1936, and shall bear recommendations and findings for legislation designed to accomplish the purpose of proper apportionment and taxation of cost to each type of motor vehicle.

Shall submit report to legislature.

SEC. 42. The commission is hereby authorized to employ the necessary engineers, clerks and other employees to carry out its purposes and is authorized to pay all expenses necessary in carrying out the purpose of this act together with the publication of its findings and reports, and for such purpose there is hereby appropriated from the motor vehicle fund the sum of twenty thousand dollars

Employees.

Appropriation for commission.

(\$20,000.00) or so much thereof as may be necessary for the purposes of the commission in the carrying out of this act.

Existing permits and certificates.

SEC. 43. Persons operating under certificates of public convenience and necessity or permits issued under chapter 166 of the Laws of 1933 and acts amendatory or supplemental thereto shall continue to operate under such permits and certificates in the same manner and to the same effect as if such rights were granted under the provisions of this act until such time as proper classification can occur. Applications for reclassification shall be made within sixty days from the effective date of this act.

Repeals § 11, ch. 155, Laws of 1917; § 1, ch. 80, Laws 1929; § 10, ch. 155, Laws 1917; § 11, ch. 55, Laws Ex. Sess., 1933, and § 1, ch. 99, Laws 1929.

SEC. 44. That section 16 of chapter 142, Session Laws of 1915, as amended by section 11 of chapter 155, Session Laws of 1917; section 16 of chapter 96, Session Laws of 1921, as amended by section 2 of chapter 181, Session Laws of 1923, as amended by section 1 of chapter 80, Session Laws of 1929; and section 15 of chapter 142, Session Laws of 1915, as amended by section 10 of chapter 155, Session Laws of 1917; section 15 of chapter 96, Session Laws of 1921, as amended by section 1 of chapter 140, Session Laws of 1931, as amended by section 27 of chapter 166, Session Laws of 1933, as amended by section 11 of chapter 55, Session Laws of Extraordinary Session of 1933, and section 1 of chapter 99 of the Laws of 1929 are hereby repealed, such repeal to become effective on December 1, 1935.

Effective date of repeal.

May 1, 1935.

SEC. 45. The provisions of sections 1 to 34, inclusive, and 43 hereof, shall be effective May 1, 1935, and chapter 166 of the Laws of 1933, except section 27 thereof, and chapter 55 of the Laws of the Extraordinary Session of 1933, except section 11 thereof, are hereby repealed; and the provisions of chapter 111 of the Laws of 1921, or acts amendatory thereto

which are in conflict with this act, are hereby superseded as to such conflicting provisions.

SEC. 46. The provisions of sections 38 to 42, inclusive, hereof, shall be effective April 1, 1935. April 1, 1935.

SEC. 47. If any section, subsection, clause, sentence or phrase of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act, and the Legislature hereby declares it would have enacted this act if such section, subsection, clause, sentence or phrase were omitted. Partial invalidity.

SEC. 48. 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 its provisions shall take effect on the dates hereinabove set forth. Effective dates.

Passed the House March 14, 1935.

Passed the Senate March 14, 1935.

Approved by the Governor March 23, 1935.