

CHAPTER 166.

[S. H. B. 223.]

REGULATION OF TRANSPORTATION BY MOTOR VEHICLES.

AN ACT relating to the transportation of property by motor vehicle over the public highways of the State of Washington, providing for additional supervision and regulation thereof, and the payment of fees; providing for joint rates by common carriers by rail, motor vehicle, express and water; defining offenses and providing penalties therefor; prescribing the powers and duties of certain state officers; providing for a Commission on Highway Transportation and defining its duties; amending sections 1, 2, 3, 5, 7, 10, 11, 12, 14, 15, 17, 18, 19, 20, 23, 27, 28, 31, 38, 39, 40 and 41 of chapter 184 of the Laws of 1935, adding new sections thereto, and declaring an emergency, and providing for the effective dates of certain portions of this act.

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

SECTION 1. That section 1 of chapter 184 of the Laws of 1935 (section 6382-1 Remington's Revised Statutes) be amended to read as follows:

Amends § 6382-1, Rem. Rev. Stat. (§ 234-13½a, P. C.)

Section 1. The business of operating as a motor carrier of freight for compensation 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 more complete regulation should be employed to the end that the highways may be rendered safer for the use of the general public; that the wear of such highways may be reduced; that congestion on highways may be minimized; that the shippers of the state may be provided with a stabilized service and rate structure; that sound economic conditions in such transportation and among such carriers may be fostered in the public interest; that adequate, economi-

Transportation for compensation.

Business affected with a public interest.

cal, and efficient service by motor carriers, and reasonable charges therefor, without unjust discrimination, undue preferences or advantages, or unfair or destructive competitive practices may be promoted; that the common carriage of commodities by motor carrier may be preserved in the public interest; that the relations between, and transportation by and regulation of, motor carriers and other carriers may be improved and coordinated so that the highways of the State of Washington may be properly developed and preserved, and the public may be assured adequate, complete, dependable and stable transportation service in all its phases.

Amends
§ 6382-2, Rem.
Rev. Stat.
(§ 234-13½b,
P. C.)

SEC. 2. That section 2 of chapter 184 of the Laws of 1935 (section 6382-2 of Remington's Revised Statutes) be amended to read as follows:

Section 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 other carriers by rail or water and of express or forwarding companies.

(f) The term "contract carrier" shall include all motor vehicle operators not included under the terms "common carrier" and "private carrier" as herein defined in paragraph (e) and paragraph (g), and further shall include any person who under special and individual contracts or agreements transports property by motor vehicle for compensation.

"Contract carrier."

(g) A "private carrier" is a person who, in his own vehicle, transports only property owned or being bought or sold by him in good faith and only when such transportation is purely an incidental adjunct to some other established private business owned or operated by him in good faith.

"Private carrier."

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

"Motor carrier."

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

"Exempt carrier."

(j) 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.

SEC. 3. That chapter 184 of the Laws of 1935 be amended by adding a new section following section 2 thereof, to read as follows:

Adds § 2a,
ch. 184,
Laws 1935.

Sec. 2-a. Operators of motor vehicles excluded from the term "private carrier," other than "common carriers" shall not be compelled to dedicate

Exemptions.

their property to the business of public transportation and subject themselves to all the duties and burdens imposed by the act upon "common carriers," but where they recover the cost of transportation through price differentials or in any other direct or indirect manner and such transportation cost recovery unreasonably endangers the stability of rates and the essential transportation service involving the movement of commodities over the same route or routes by other types of carriage, then such transportation costs, attempted to be recovered, shall not be less than the rate, fare or charge regularly established by the department for such transportation service if given by other types of carriers, it being the intention of the legislature to foster a stable rate structure free of discriminations for the shippers of the State of Washington.

Amends
§6382-3, Rem.
Rev. Stat.
(§ 234-13½c,
P. C.)

SEC. 4. That section 3 of chapter 184 of the Laws of 1935 (section 6382-3 Remington's Revised Statutes) be amended to read as follows:

Vehicles not
included in
act.

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

(a) Motor vehicles operated exclusively within the corporate limits of any city or town of less than 100,000 population or within the confines of contiguous cities or towns;

(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.

SEC. 5. That chapter 184 of the Laws of 1935 be amended by adding a new section following section 4 thereof, to read as follows:

Adds § 4-a,
ch. 184,
Laws 1935.

Section 4-a. Every person who engages for compensation to perform a combination of services which includes transportation of property of others upon the public highways shall be subject to the jurisdiction of the department as to such transportation and shall not engage upon the same without first having obtained a common carrier or contract carrier permit to do so. Every person engaging in such a combination of services shall advise the department what portion of the consideration is intended to cover the transportation service and if the agreement covering the combination of services is in writing, the rate and charge for such transportation shall be set forth therein. The rates or charges for the transportation services included in such combination of services shall be subject to control and regulation by the department in the same manner that the rates of common and contract carriers are now controlled and regulated.

Combination
of services,
permit
required.

SEC. 6. That section 5 of chapter 184 of the Laws of 1935 (section 6382-5 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 6382-5, Rem.
Rev. Stat.
(§ 234-13½ e,
P. C.)

Section 5. No "common carrier," "contract carrier," or "temporary 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

Permits,
granting of.

act. A permit shall be issued to any qualified applicant therefor authorizing the whole or any part of the operations covered by the application, when 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. Applications for common or contract carrier permits shall be on file for a period of at least thirty days prior to the granting thereof unless the department finds that special conditions require the earlier granting thereof.

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 fails, or has failed, to comply with the laws of the State of Washington.

Nothing contained in this act shall be construed to confer upon any person or persons the exclusive right or privilege of transporting property for compensation over the public highways of the State of Washington, but the department may deny an application when it appears clearly, after public hearing, that the additional service would unreasonably congest the highways or unreasonably endanger the stability and dependability of the service essential to the public needs.

Amends
§ 6382-7, Rem.
Rev. Stat.
(§ 234-13½g,
P. C.)

SEC. 7. That section 7 of chapter 184 of the Laws of 1935 (section 6382-7 Remington's Revised Statutes) be amended to read as follows:

Application
for permit.

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

Applications for permits shall be accompanied by the following fees:

- Applications for permits.....\$25.00
- Applications for temporary permits.....\$10.00

Fees.

SEC. 8. That section 10 of chapter 184 of the Laws of 1935 (section 6382-10 Remington's Revised Statutes) be amended to read as follows:

Amends § 6382-10, Rem. Rev. Stat. (§ 234-13½j, P. C.)

Section 10. The department may from time to time establish such just and reasonable classifications of the groups of carriers included in the terms "common carrier" and "contract 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 observed by the carriers so classified or grouped, as the department deems necessary or advisable in the public interest.

Classification of carriers.

SEC. 9. That section 11 of chapter 184 of the Laws of 1935 (section 6382-11 Remington's Revised Statutes) be amended to read as follows:

Amends § 6382-11, Rem. Rev. Stat. (§ 234-13½k, P. C.)

Section 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 make, fix, alter and amend, just, fair, reasonable, minimum, maximum, or minimum and maximum, rates, charges, classifications, rules and regulations of all "common carriers"; to regulate the accounts, service and safety of operations thereof; to require the filing of reports and of other data thereby; and to supervise and regulate all "common carriers" in all other matters affecting their relationship with competing carriers of every kind, the shipping and the general public.

Supervision of common carriers.

SEC. 10. That chapter 184 of the Laws of 1935 be amended by adding a new section following section 11 thereof, to read as follows:

Adds § 11-a, ch. 184, Laws 1935.

Section 11-a. The department is hereby vested with power and authority, and it is hereby made its

Compilation
and publica-
tion of
tariffs.

duty, to make, fix, construct, compile, promulgate, publish and distribute tariffs containing a compilation of rates, charges, classifications, rules and regulations to be used by all common carriers, as defined in this act, in this state. Such tariffs may be issued and distributed under rules and regulations to be adopted by the department. Such compilation and publication shall be made by the department as soon as possible after the effective date of this section, and may be made by compiling the rates, charges, classifications, rules and regulations now in effect, and may be amended or altered from time to time after notice and hearing, by issuing and distributing revised pages or supplements to such tariffs in accordance with the orders of the department. All such rates, charges, classifications, rules and regulations thus made effective by the department shall be available to the public at each agency and office of all common carriers, as defined in this act, operating within this state. Such compilation and publication shall be sold by the department for not to exceed ten dollars per copy. Supplements to such publications shall be furnished without charge: *Provided*, That copies may be furnished free to other regulatory bodies and departments of government and to colleges, schools and libraries. All copies of the compilation, whether sold or given free, shall be distributed under rules and regulations to be fixed by the department.

Amends
§ 6382-12,
Rem. Rev.
Stat. (§ 234-
13½, P. C.)

SEC. 11. That section 12 of chapter 184 of the Laws of 1935 (section 6382-12 Remington's Revised Statutes) be amended to read as follows:

Supervision
of contract
carriers.

Section 12. The department is hereby vested with power and authority, and it is hereby made its duty, to supervise and regulate every "contract 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 "con-

tract carrier"; to regulate the accounts, service and safety of operations thereof; and require the filing of reports and of other data thereby; and to supervise and regulate such "contract carriers" in all other matters affecting their relationship with both the shipping and the general public.

SEC. 12. That section 14 of chapter 184 of the Laws of 1935 (section 6382-14 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 6382-14,
Rem. Rev.
Stat. (§ 234-
13½n, P. C.)

Section 14. The department shall have power and authority to issue temporary permits to temporary "common carriers" or "contract carriers" covering seasonal operations for a period not to exceed ninety (90) days, but only after the department finds that an emergency exists because existing transportation agencies cannot supply the needed and necessary service, 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.

Temporary
permits.

SEC. 13. That section 15 of chapter 184 of the Laws of 1935 (section 6382-15 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 6382-15,
Rem. Rev.
Stat. (§ 234-
13½p, P. C.)

Section 15. Whether or not any motor vehicle is being operated upon the highways of this state within its proper classification, as defined by section 2 of this act, shall be a question of fact to be determined by the department. Whenever the department believes that any person, firm or corporation operating motor vehicles on the highways of this state is not operating within the proper classification, but is in fact a carrier of a different classification, it may institute a special proceeding, upon ten days' notice, requiring such person, firm or corporation to appear before the department at a location convenient for witnesses and the production of evidence, and bring with him books, records, accounts, and

Question of
fact in
disputes.

Decision.

other memoranda, and give testimony under oath as to his operations, and the burden shall rest upon such person of proving that his operations are properly classified under the provisions of this section. The department may consider, in determining whether such operation is properly classified, the frequency of operation, amount and basis of compensation, whether title to property 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 operation and the receipt of compensation therefor, and all other facts that may indicate the true nature and extent of such operation upon the highways of this state and the receipt of compensation therefor in order to determine the carrier's proper classification under the terms of this act.

Protection
against self
incrimina-
tion.

In proceedings under this section no person shall be excused from testifying or from producing any book, way-bill, document, paper or account before the department when ordered to do so, on the ground that the testimony or evidence, book, way-bill, document, paper or account required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any account, transaction, matter or thing concerning which he shall under oath have testified or produced documentary evidence in proceedings under this section: *Provided*, That no person so testifying shall be exempt from prosecution or punish-

ment for any perjury committed by him in his testimony.

SEC. 14. That section 17 of chapter 184 of the Laws of 1935 (section 6382-17 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 6382-17,
Rem. Rev.
Stat. (§ 234-
13½r, P.C.)

Section 17. The department is hereby vested with power and authority in issuing permits to any of the carriers classified in accordance with the provisions of section 10 hereof 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 regulations and conditions shall be deemed temporary and may be revoked by the department upon recommendation of the state or county authorities in charge of highway maintenance or safety when in the judgment of such authorities such revocation is required in order to protect the public or preserve the public highways.

Insurance,
etc.,
temporary.

SEC. 15. That section 18 of chapter 184 of the Laws of 1935 (section 6382-18 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 6382-18,
Rem. Rev.
Stat. (§ 234-
13½s, P. C.)

Section 18. No "common carrier," "contract 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 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

Hours of
drivers,
limit.

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.

Amends
§ 6382-19,
Rem. Rev.
Stat. (§ 234-
13½t, P. C.)

SEC. 16. That section 19 of chapter 184 of the Laws of 1935 (section 6382-19 Remington's Revised Statutes) be amended to read as follows:

Deviations
from tariff
schedule.

Section 19. 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.

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 suspend or revoke permits for violations of this section.

Refusal of
tariff,
schedule or
contract
by depart-
ment.

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.

Amends
§ 6382-20,
Rem. Rev.
Stat. (§ 234-
13½u, P. C.)

SEC. 17. That section 20 of chapter 184 of the Laws of 1935 (section 6382-20 Remington's Revised Statutes) be amended to read as follows:

Reasonable
rates,
power to
enforce.

Section 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. In ordering and establishing joint through rates between different types of carriers the department shall give full effect to the lower cost of transportation of property by any type of carrier and shall reflect such lower cost by differentials under a through rate of the higher cost carrier.

SEC. 18. That section 23 of chapter 184 of the Laws of 1935 (section 6382-23 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 6382-23,
Rem. Rev.
Stat. (§ 234-
13½x, P. C.)

Section 23. No permit issued under the authority of this act shall be construed to be irrevocable. Nor shall such permit be subject to transfer or assignment except upon a proper showing that property rights might be affected thereby, and then in the discretion of the department and upon the payment of a fee of twenty-five dollars (\$25.00).

Permits
revocable.

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.

Termination
of permit.

SEC. 19. That section 27 of chapter 184 of the Laws of 1935 (section 6382-27 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 6382-27,
Rem. Rev.
Stat. (§ 234-
13¾b, P. C.)

Section 27. It shall be unlawful for any "common carrier," or "contract carrier" to operate any motor vehicle within this state unless there shall be

Identifica-
tion plates
on vehicle.

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 carriers, 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 under rules and regulations of the department, and shall be attached to each motor vehicle not later than January first of each year, or as soon thereafter as possible.

Issued
annually

Fee.

The department shall collect from each such carrier a fee of two dollars for each pair of identification plates so issued, and all fees for such plates shall be deposited in the state treasury to the credit of the public service revolving fund. County auditors shall be entitled to collect from applicants for identification plates the amount of twenty-five cents for each pair of such plates distributed by such county auditors and the amounts so received shall be paid into the current expense fund of the proper county.

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 calendar year and thereafter the plate fees specified by this act shall no longer be required.

Lieu § 6382-
28, Rem. Rev.
Stat. (§ 234-
13¾c, P. C.)

SEC. 20. That section 28 of chapter 184 of the Laws of 1935 (section 6382-28 Remington's Revised Statutes) be amended by substituting in lieu thereof a new section to read as follows:

Additional
fee based
on maximum
gross
weight.

Section 28. In addition to all other fees to be paid by them every "common carrier" and "contract carrier" shall pay to the department each year at the time of, in connection with, and before receiving, his

identification plate, for each motor truck, trailer or semi-trailer owned or operated by him, based upon the maximum gross weight thereof as set by the carrier in his application for his regular license plates, the following fees: Less than 5,001 pounds, \$7.00; 5,001 pounds or more and less than 10,001 pounds, \$9.00; 10,001 pounds or more and less than 15,001 pounds, \$11.00; 15,001 pounds or more and less than 20,001 pounds, \$13.00; 20,001 pounds or more and less than 25,001 pounds, \$15.00; 25,001 pounds or more and less than 30,001 pounds, \$17.00; 30,001 pounds or more and less than 34,001 pounds, \$19.00.

All fees collected under this section or under any other provision of this act shall be paid to the department and shall be by it transmitted to the state treasury within thirty days to the credit of the public service revolving fund.

Collections
paid to state
treasurer.

SEC. 21. That section 31 of chapter 184 of the Laws of 1935 (section 6382-31 Remington's Revised Statutes) be amended by substituting in lieu thereof a new section to read as follows:

Lieu §6382-
31, Rem. Rev.
Stat. (§ 234-
13½f, P. C.)

Section 31. In addition to all other penalties provided by law every "motor carrier" subject to the provisions of this act and every officer, agent or employee of any such "motor carrier" who violates or who procures, aids or abets in the violation of any provision of this act or any order, rule, regulation or decision of the department shall incur a penalty of one hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense and in case of a continuing violation every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for.

Violations,
penalties.

The penalty herein provided for shall become due and payable when the person incurring the same re-

ceives a notice in writing from the department describing such violation with reasonable particularity and advising such person that the penalty is due. The department may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as it in its discretion shall deem proper and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as it may deem proper. If the amount of such penalty is not paid to the department within fifteen days after receipt of notice imposing the same or application for remission or mitigation has not been made within fifteen days after violator has received notice of the disposition of such application, the attorney general shall bring an action in the name of the State of Washington in the superior court of Thurston county or of some other county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise herein provided. All penalties recovered under this act shall be paid into the state treasury and credited to the public service revolving fund.

Action to recover penalties by attorney general.

Adds § 31-2, ch. 184, Laws 1935.

SEC. 22. That chapter 184 of the Laws of 1935 be amended by adding a new section following section 31 thereof, to read as follows:

Application of provisions.

Section 31-a. All applicable provisions of chapter 117, Laws of 1911, as amended and supplemented, relating to procedure, powers of the department and penalties, shall apply to the operation and regulation of persons under this act, except in so far as such provisions may conflict with provisions of this act and rules and regulations issued thereunder by the department.

Effective dates.

SEC. 23. The provisions of sections 1 to 18, both inclusive, and 21, 22, 24, 25, 26 and 27 hereof, shall

be effective April 1, 1937, and the provisions of sections 19 and 20 hereof shall become effective December 1, 1937. The fees provided for in sections 27 and 28 of chapter 184 of the Laws of 1935 shall remain in effect until December 1, 1937: *Provided*, That the department shall have authority, if sufficient funds are on hand to carry on its activities, to waive the fees provided for in section 28 of chapter 184 of the Laws of 1935 for the period after June 30, 1937.

SEC. 24. That section 38 of chapter 184 of the Laws of 1935 (section 6382-38 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 6382-38,
Rem. Rev.
Stat. (§ 234-
13¾n, P. C.)

Section 38. It is hereby declared that efficient state financing, construction, maintenance, and administration of highways, regulation and supervision of motor carriers, and regulation and control of highway traffic, require that the various state agencies conduct joint studies and coordinate their research activities.

Coordination
of state
agencies.

SEC. 25. That section 39 of chapter 184 of the Laws of 1935 (section 6382-39 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 6382-39,
Rem. Rev.
Stat. (§ 234-
13¾p, P. C.)

Section 39. There is hereby created a commission for the purpose hereinafter set forth, to be known as the Commission on Highway Transportation, which commission shall be composed of five members, one of whom shall be the director of highways, the second a transportation engineer of reputable standing to be appointed by the governor, the third the director of public service, the fourth the director of licenses, and the fifth the chairman of the tax commission.

Commission
created,
qualifica-
tions.

SEC. 26. That section 40 of chapter 184 of the Laws of 1935 (section 6382-40 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 6382-40,
Rem. Rev.
Stat. (§ 234-
13¾q, P. C.)

Section 40. The said commission shall, with the assistance of the other state agencies, make a study

Study of
facts.

of facts which will contribute to the solution of such problems as the distribution of highway costs, taxes and benefits; the adaptation of highways to traffic requirements; the coordination of the motor vehicle administrative activities of the various governmental units; reciprocal relations with other states; the fostering of sound economic conditions among motor carrier operators, and the prevention of highway accidents, and thereby carry out the declared policy.

Amends
§ 6382-41.
Rem. Rev.
Stat. (§ 234-
13³/₄r, P. C.)

SEC. 27. That section 41 of chapter 184 of the Laws of 1935 (section 6382-41 Remington's Revised Statutes) be amended to read as follows:

Report of
findings and
recommen-
dations to
legislature.

Section 41. The findings and recommendations from the studies of the commission herein provided for shall be published in report form from time to time and any relating to proposed legislation shall be submitted to each duly elected member of the Senate and House of Representatives of the State of Washington not less than one month prior to the convening of each regular session of the legislature.

Partial
invalidity.

SEC. 28. 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.

Effective
immediately.

SEC. 29. 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.

Passed the House March 9, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 16, 1937.