

CHAPTER 211.

[H. B. 315.]

WORKMEN'S COMPENSATION: EXTRAHAZARDOUS
EMPLOYMENTS.

AN ACT relating to extrahazardous employments and to the compensation and remedies of workmen injured therein, and of their dependents and beneficiaries in case of death, and to the medical aid of workmen injured and safety of workmen engaged in such employments, amending sections 7674 and 7675 of Remington's Revised Statutes of Washington.

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

SECTION 1. That section 7674 of Remington's Revised Statutes of Washington be amended to read as follows:

Section 7674. There is a hazard in all employment, but certain employments have come to be, and to be recognized as being inherently constantly dangerous. This act is intended to apply to all such inherently hazardous works and occupations, and it is the purpose to embrace all of them, which are within the legislative jurisdiction of the state, in the following enumeration, and they are intended to be embraced within the term "extrahazardous" wherever used in this act, to-wit:

Factories, mills and workshops where machinery is used; printing, electrotyping, photo-engraving and stereotyping plants where machinery is used; foundries, blast furnaces, mines, wells, gasworks, waterworks, reduction works, breweries, elevators, wharves, docks, dredges, smelters, powder works; laundries operated by power; quarries, engineering works; logging, lumbering and shipbuilding operations; logging, street and interurban railroads; buildings being constructed, repaired, moved or demolished; telegraph, telephone, electric light or power plants or lines, steam heating or power plants, steam-

Amends
§ 7674, Rem.
Rev. Stat.
(§ 3469, P. C.)

Extra-
hazardous
employment.

boats, tugs, ferries and railroads; general warehouse and storage; teaming, truck driving and motor delivery, including drivers and helpers, in connection with any occupation except agriculture; stage, taxicab and for hire car driving; restaurants and establishments except private boarding houses, serving food to the public for consumption on the premises; bunk houses, kitchens and eating houses in connection with extrahazardous occupations or conducted primarily for employees in extrahazardous occupations; transfer, drayage and hauling; warehousing and transfer; fruit warehouse and packing houses. If there be or arise any extrahazardous occupation or work other than those hereinabove enumerated, it shall come under this act, and its rate of contribution to the accident fund hereinafter established shall be, until fixed by legislation, determined by the department hereinafter created, upon the basis of the relation which the risk involved bears to the risk classified in section 7676 of Remington's Revised Statutes: *Provided, however,* The following operations shall not be deemed extrahazardous within the meaning, or be included in the enumeration of this section, to-wit: Using power driven coffee grinders in wholesale or retail grocery stores; using power driven washing machines, in establishments selling washing machines at retail; using power driven machinery in shoe repair shops; using computing machines in offices; using power driven taffy pullers in retail candy stores; using power driven milk shakers in establishments operating soda fountains; using power driven hair cutters in barber shops; using power driven machinery in beauty parlors; using power driven machinery in optical stores.

Operations
excluded.

The director of labor and industries through and by means of the division of industrial insurance shall have power, after hearing had upon its own motion or upon the application of any party interested, to

Director,
power to
declare
occupation
extra-
hazardous.

declare any occupation or work to be extrahazardous and to be under this act. The director of labor and industries shall fix the time and place of such hearing and shall cause notice thereof to be published once at least ten (10) days before the hearing in at least one (1) daily newspaper of general circulation, published and circulated in each city of the first-class of this state. No defect or inaccuracy, in such notice or in the publication thereof, shall invalidate any order issued by the director of labor and industries after hearing had. Any person affected shall have the right to appear and be heard at any such hearing. Any order, finding or decision of the director of labor and industries made and entered under the foregoing provisions of this act shall be subject to review within the time and in the manner specified in section 7697 of Remington's Revised Statutes, and not otherwise.

Workman,
defined.

SEC. 2. The term workman within the contemplation of this act means every person in this state who is engaged in the employment of or who is working under an independent contract, the essence of which is his personal labor for any employer coming under this act whether by way of manual labor or otherwise in the course of his employment.

Passed the House March 11, 1937.

Passed the Senate March 11, 1937.

Approved by the Governor March 18, 1937.