

CHAPTER 29.

[S. S. B. 65.]

REFUNDS OF OVERCHARGES BY PUBLIC SERVICE COMPANIES.

AN ACT relating to refunds of overcharges by public service companies and prescribing procedure in matters relating thereto, and repealing section 1 of chapter 148, Laws of 1933 (section 10433, Remington's Revised Statutes).

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

SECTION 1. When complaint has been made to the Department of Public Service concerning the reasonableness of any rate, fare, toll, rental or charge for any service performed by any public service company, and the same has been investigated by the department, and the department has determined that the public service company has charged an excessive or exorbitant amount for such service, the department may order that the public service company pay to the complainant the excess amount found to have been charged, with interest from the date of the filing of complaint.

Excessive charges.

SEC. 2. When complaint has been made to the department that any public service company has charged an amount for any service rendered in excess of the lawful rate in force at the time such charge was made, and the same has been investigated and the department has determined that the overcharge allegation is true, the department may order that the public service company pay to the complainant the amount of the overcharge so found, whether such overcharge was made before or after the filing of said complaint, with interest from the date of collection of such overcharge.

Refund of overcharge.

SEC. 3. If the public service company does not comply with the order of the department for the payment of the overcharge within the time limited

Suit instituted.

in such order, suit may be instituted in any superior court where service may be had upon the said company to recover the amount of the overcharge with interest. It shall be the duty of the department to certify its record in the case, including all exhibits, to the court. Such record shall be filed with the clerk of said court within thirty days after such suit shall have been started and said suit shall be heard on the evidence and exhibits introduced before the department and certified to by it. If the complainant shall prevail in such action, the superior court shall enter judgment for the amount of the overcharge with interest and shall allow complainant a reasonable attorney's fee, and the cost of preparing and certifying said record for the benefit of and to be paid to the department by complainant, and deposited by the department in the public service revolving fund, said sums to be fixed and collected as a part of the costs of the suit. If the order of the department shall be found to be contrary to law or erroneous by reason of the rejection of testimony properly offered, the court shall remand the cause to the department with instructions to receive the testimony so proffered and rejected and enter a new order based upon the evidence theretofore taken and such as it is directed to receive. The court may in its discretion remand any cause which is reversed by it to the department for further action. Appeals to the supreme court shall lie as in other civil cases.

All complaints concerning overcharges shall be filed with the department within two years from the time the cause of action accrues, and the suit to recover the overcharge shall be filed in the superior court within one year from the date of the order of the department.

Judgment.

Cause remanded to department.

Appeals.

Limitation of actions.

Exclusive remedy.

The procedure provided in this section is exclusive, and neither the supreme court nor any superior court shall have jurisdiction save in the manner hereinbefore provided.

SEC. 4. That section 1 of chapter 148, Laws of 1933 (section 10433, Remington's Revised Statutes) is hereby repealed.

Repeals
§ 10433, Rem.
Rev. Stat.
(§ 5618 P. C.)

Passed the Senate February 4, 1937.

Passed the House February 24, 1937.

Approved by the Governor March 1, 1937.

CHAPTER 30.

[S. B. 66.]

ISSUANCE OF SECURITIES BY PUBLIC SERVICE COMPANIES.

AN ACT relating to public service companies, providing for the supervision, regulation, restriction and control of the issuance of securities thereby, providing for the payment of fees, and providing penalties for the violation thereof, and amending sections 3 and 6 of chapter 151 of the Laws of 1933.

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

SECTION 1. That section 3 of chapter 151 of the Laws of 1933 be amended to read as follows:

Amends § 3,
ch. 151, Laws
of 1933.

Section 3. A public service company may issue stocks and stock certificates or other evidence of interest or ownership, and bonds, notes and other evidences of indebtedness payable on demand or at periods of more than twelve months after the date thereof, for the following purposes and no others: Namely, for the acquisition of property, or for the construction, completion, extension or improvement of its facilities or for the improvement or maintenance of its service, or for the discharge or lawful refunding of its obligations, or for the reimbursement of monies actually expended from income or from any other monies in the treasury of the public service company not secured by or obtained from the issue of stocks or stock certificates or other evi-

Issuance of
securities.