

shall retire on a retirement allowance prior to July 1, 1940.

Passed the House February 21, 1939.

Passed the Senate March 1, 1939.

Approved by the Governor March 7, 1939.

CHAPTER 41.

[H. B. 91.]

EXTRA-HAZARDOUS EMPLOYMENT.

AN Act relating to extra-hazardous employment 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 section 7674 of Remington's Revised Statutes of Washington, as amended by section 1, chapter 211, Laws of 1937; and section 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, as amended by section 1, chapter 211, Laws of 1937, 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 "extra-hazardous" 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,

Amends
§ 7674, Rem.
Rev. Stat.

Extra-
hazardous
employment.

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, steamboats, tugs, ferries and railroads; installing and servicing radios and electrical refrigerators; 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 extra-hazardous occupations or conducted primarily for employees in extra-hazardous occupations; transfer, drayage and hauling; warehousing and transfer; fruit warehouse and packing houses. If there be or arise any extra-hazardous 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: *Provided, however,* The following operations shall not be deemed extra-hazardous 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 computing machines in offices; using power-driven taffy pullers in retail candy stores; using power-driven milk

Operations
excluded.

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.

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 declare any occupation or work to be extra-hazardous 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.

Director,
power to
declare occu-
pation extra-
hazardous.

SEC. 2. That section 7675 of Remington's Revised Statutes of Washington be amended to read as follows:

Amends
§ 7675, Rem.
Rev. Stat.

Section 7675. In the sense of this act words employed mean as here stated, to-wit:

Definitions:

Factories mean undertakings in which the business of working at commodities is carried on with power-driven machinery, either in manufacture, repair or change, and shall include the premises, yard and plant of the concern, except when otherwise expressly stated.

Factories.

- Workshop.** Workshop means any plant, yard, premises, room or place wherein power-driven machinery is employed and manual labor is exercised by way of trade for gain or otherwise in or incidental to the process of making, altering, repairing, printing or ornamenting, finishing or adapting for sale or otherwise any article or part of article, machine or thing, over which premises, room or place the employer of the person working therein has the right of access or control, except when otherwise expressly stated.
- Mill.** Mill means any plant, premises, room or place wherein machinery is used, any process of machinery, changing, altering or repairing any article or commodity for sale or otherwise, together with the yards and premises which are a part of the plant, including elevators, warehouses and bunkers, except when otherwise expressly stated.
- Mines.** Mines mean any mine where coal, clay, ore, mineral, gypsum or rock is dug or mined underground.
- Quarry.** Quarry means an open cut from which coal is mined, or clay, ore, mineral, gypsum, sand, gravel or rock is cut or taken for manufacturing, building or construction purposes.
- Engineering work.** Engineering work means any work of construction, improvement or alteration or repair of buildings, structures, streets, highways, sewers, street railways, railroads, logging roads, interurban railroads, harbors, docks, canals, electric, steam or water power plants, telegraph and telephone plants and lines, electric light or power lines, and includes any other works for the construction, alteration or repair of which machinery driven by mechanical power is used, except when otherwise expressly stated.
- Employer.** Except when otherwise expressly stated, employer means any person, body of persons, corporate or otherwise, and the legal personal representatives

of a deceased employer, all while engaged in this state in any extra-hazardous work, by way of trade or business, or who contracts with one or more workmen, the essence of which is the personal labor of such workman or workmen, in extra-hazardous work.

Workman means every person in this state, who Workman. is engaged in the employment of any employer coming under this act whether by way of manual labor or otherwise, in the course of his employment: *Provided, however,* That if the injury to a workman is due to the negligence or wrong of another not in the same employ, the injured workman, or if death result from the injury, his widow, children, or dependents, as the case may be, shall elect whether to take under this act or seek a remedy against such other, such election to be in advance of any suit under this section; and if he take under this act, the cause of action against such other shall be assigned to the state for the benefit of the accident fund; if the other choice is made, the accident fund shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected, and the compensation provided or estimated by this act for such case: *Provided, however,* That no action may be brought against any employer or any workman under this act as a third person if at the time of the accident such employer or such workman was in the course of any extra-hazardous employment under this act. Any such cause of action assigned to the state may be prosecuted or compromised by the department, in its discretion. Any compromise by the workman of any such suit, which would leave a deficiency to be made good out of the accident fund, may be made only with the written approval of the department.

Any individual employer or any member or officer of any corporate employer who shall be carried

upon the payroll at a salary or wage not less than the average salary or wage named in such payroll and who shall be injured, shall be entitled to the benefit of this act as and under the same circumstances, and subject to the same obligations, as a workman: *Provided*, That no such employer or the beneficiaries or dependents of such employer shall be entitled to benefits under this act unless the Director of Labor and Industries prior to the date of the injury has received notice in writing of the fact that such employer is being carried upon the payroll prior to the date of the injury as the result of which claims for a compensation are made.

Dependent. Dependent means any of the following named relatives of a workman whose death results from any injury and who leave surviving no widow, widower, or child under the age of eighteen years, viz: Invalid child, father, mother, grandfather, grandmother, stepfather, stepmother, grandson, granddaughter, brother, sister, half-sister, half-brother, niece, nephew, who at the time of the accident are actually and necessarily dependent in whole or in part for their support upon the earnings of the workman. Except where otherwise provided by treaty, aliens other than father or mother, not residing within the United States at the time of the accident are not included. A dependent shall at all times furnish to the Director of Labor and Industries proof satisfactory to the Director of Labor and Industries of the nature, amount and extent of the contribution made by such deceased workman.

Beneficiary. Beneficiary means a husband, wife, child or dependent of a workman in whom shall vest a right to receive payment under this act.

Invalid. Invalid means one who is physically or mentally incapacitated from earning.

Child. The word "child" as used in this act, includes a posthumous child, a stepchild, a child legally adopted

prior to the injury and an illegitimate child legitimated prior to the injury.

The word "injury" as used in this act means a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result, and occurring from without, and such physical condition as results therefrom. Injury.

The term "educational standard" shall mean such standards as the Supervisor of Safety shall make for the purpose of educating and training both employer and workman in the appreciation and avoidance of danger, and in the maintenance and proper use of safe place and safety device standards. Educational standard.

Passed the House February 14, 1939.

Passed the Senate March 1, 1939.

Approved by the Governor March 7, 1939.

CHAPTER 42.

[H. B. 104.]

INSANE PERSONS.

AN ACT amending section 6 of chapter 81 of the Laws of 1915, the same being section 6949 of Remington's Revised Statutes (section 2820, Pierce's Code), to provide for commitment and transfer of veterans to certain veterans' administration facilities.

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

SECTION 1. That section 6 of chapter 81 of the Laws of 1915, the same being section 6949 of Remington's Revised Statutes (section 2820, Pierce's Code), be and the same hereby is amended to read as follows:

Section 6. Persons found to be insane by the superior courts of the respective counties shall be committed to the respective hospitals for the insane as follows: From the counties of Grays Harbor, Amends § 6949, Rem. Rev. Stat., § 2820 P. C.
Hospitals.