

## CHAPTER 258.

[ H. B. 186. ]

## REFUND 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 amending sections 1 and 3, chapter 29, Laws of 1937 (sections 10433 and 10433-2, Remington's Revised Statutes, Supplement).

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

Amendments. SECTION 1. Section 1, chapter 29, Laws of 1937 (section 10433, Remington's Revised Statutes, Supplement), is amended to read as follows:

Excessive charges to be refunded.

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, and the Department has determined that any party complainant is entitled to an award of damages, the Department shall order that the public service company pay to the complainant the excess amount found to have been charged, whether such excess amount was charged and collected before or after the filing of said complaint, with interest from the date of the collection of said excess amount.

Amendment. SEC. 2. That section 3, chapter 29, Laws of 1937 (section 10433-2, Remington's Revised Statutes, Supplement), is amended to read as follows:

Suit may follow failure to comply.

Section 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 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 resulting from collecting unreasonable rates and charges or from collecting amounts in excess of lawful rates shall be filed with the Department within six months in cases involving the collection of unreasonable rates and two years in cases involving the collection of more than lawful rates from the time the cause of action accrues, and the suit to recover the overcharge shall be filed in the

Department  
to certify  
record.

Time limit.

Judgment  
to carry  
attorney fee  
and costs.

Erroneous  
order to be  
remanded.

Appeal.

Time limit  
for filing  
overcharge  
claims.

Superior Court within one year from the date of the order of the Department.

Procedure  
exclusive.

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.

Passed the House February 27, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

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## CHAPTER 259.

[ H. B. 198. ]

DEED TO MARGARET ANN MORGAN AND LU MORGAN.

AN ACT authorizing and directing a conveyance of certain real estate to Margaret Ann Morgan and Lu Morgan, wife and husband.

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

Conveyance  
authorized.

SECTION 1. That the Governor is hereby authorized and directed to execute on behalf of the State of Washington and the Secretary of State to attest, a quit claim deed, conveying to Margaret Ann Morgan and Lu Morgan, wife and husband, the following described real estate:

Description.

A parcel of land containing 6.57 acres, more or less, being all that portion of a tract of land to be hereinafter described which is situated in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section 14, Township 21 North, Range 4 East, W. M., in King County, State of Washington, excepting therefrom a highway right of way 200 feet wide over, across and upon said parcel of land, said right of way being 100 feet wide on each side of the center line of the now existing Primary State Highway No. 5.