

SEC. 25. Chapter 98 of the Laws of 1907, chapter 131 of the Laws of 1909, chapter 135 of the Laws of 1919, chapter 97 of the Laws of 1925 Extraordinary Session, chapter 268 of the Laws of 1927, chapters 36 and 38 of the Laws of 1939, and chapter 219 of the Laws of 1941 (sections 6720, 6721, 6722, 6723, 6724, 6725, 6726, 6727, 6728, 6729, 6730, 6731, 6732, 6733, 6734, 6735, 6736, 6738, 6739, 6740, and 6741 of Remington's Revised Statutes) are hereby repealed. Repeals.

SEC. 26. This act is necessary for the peace, welfare and safety of the state and the support of the state government and shall take effect immediately. Effective immediately.

Passed the House March 11, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 22, 1943.

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## CHAPTER 265.

[ H. B. 281. ]

### HIGHWAYS--FRANCHISES.

AN ACT relating to highways and the power of the Director of Highways to grant franchises and permits thereon; amending sections 82, 83 and 87, chapter 53, Laws of 1937 (secs. 6400-82, 6400-83 and 6400-87, Rem. Rev. Stat., secs. 2696-538, 2696-539 and 2696-543, Pierce's Code).

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

SECTION 1. That section 82, chapter 53, Laws of 1937 (sec. 6400-82, Rem. Rev. Stat., sec. 2696-538, Pierce's Code) be amended to read as follows: Amendments.

Section 82. Any person, firm or corporation who shall construct or maintain on, over, across or along any state highway any water pipe, flume, gas pipe, telegraph, telephone, electric light or power lines, or tram or railway, or any other such facilities, without having first obtained and having at all times in full force and effect a franchise or permit to do Penalty.

so in the manner provided by law shall be guilty of a misdemeanor and each day of violation shall be a separate and distinct offense.

Amendment.

SEC. 2. That section 83, chapter 53, Laws of 1937 (sec. 6400-83, Rem. Rev. Stat., sec. 2696-539, Pierce's Code) be amended to read as follows:

Director to grant franchises.

Section 83. The Director of Highways shall have the power to grant franchises to persons, associations, private or municipal corporations, the United States government or any agency thereof, to use any state highway for the construction and maintenance of water pipes, flume, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, and any other such facilities. All applications for such franchise shall be made in writing and subscribed by the applicant, and shall describe the state highway or portion thereof over which franchise is desired and the nature of the franchise. Upon the filing of any such application a time and place for hearing the same shall be fixed and a notice thereof shall be given in the county or counties in which any portion of the state highway upon which such franchise is applied for is located, at the expense of the applicant, by posting written or printed notices in three public places at the county seat of such county or counties for at least twenty days before the day fixed for such hearing, and by publishing a like notice in three (3) successive weekly issues of a newspaper having a general circulation in such county or counties, the last publication to be at least five (5) days before the day fixed for the hearing; which notice shall state the name or names of the applicant or applicants, a description of the state highway or part thereof over which the franchise is applied for, and the time of such hearing, which shall be held in the Transportation Building at the state capitol. It shall be the duty of the County Auditor of the respective counties to cause such notices to be posted and published

Form of application.

Notice of hearing.

Contents of notice.

and to file proof of such posting and publication with the Director of Highways.

SEC. 3. That section 87, chapter 53, Laws of 1937 (sec. 6400-87, Rem. Rev. Stat., sec. 2696-543, Pierce's Code) be amended to read as follows:

Amend-  
ments.

Section 87. The Director of Highways is empowered to grant a permit to construct or maintain on, over, across or along any state highway any water, gas, telephone, telegraph, light, power or other such facilities when the same does not extend along such state highway for a distance greater than three hundred (300) feet. The Director of Highways may require such information as he deems necessary in the application for any such permit and may grant or withhold the permit within his discretion. Any permit granted may be cancelled at any time and any facilities remaining upon the right of way of such state highway after thirty (30) days written notice of such cancellation shall be an unlawful obstruction and may be removed in the manner provided by law.

Director may  
issue limited  
permits.

Cancellation.

Passed the House February 26, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.