

## CHAPTER 203.

[ S. B. 293. ]

## LIABILITY OF CARRIERS.

AN ACT relating to and regulating the issuance by common carriers of bills of lading and livestock contracts and providing for terms thereof and liability of carriers thereunder, and amending sections 1 and 2, chapter 149, Laws of 1923 (sections 3673-1 and 3673-2, Remington's Revised Statutes, also Pierce's Perpetual Code 327-1, -3).

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

Common  
carrier.

SECTION 1. The term "common carrier" as used in this act shall include every individual, firm, co-partnership, association or corporation, or their lessees, trustees or receivers, engaged in the transportation of property for the public for hire, whether by rail, water, motor vehicle, air or otherwise.

Amend-  
ment.

SEC. 2. That section 1, chapter 149, Laws of 1923 (section 3673-1, Remington's Revised Statutes, also Pierce's Perpetual Code 327-1), be amended to read as follows:

Bills of  
lading  
required.

Section 1. Any common carrier receiving property for transportation wholly within the State of Washington from one point in the State of Washington to another point in the State of Washington, shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage or injury to such property caused by it, or by any common carrier to which such property may be delivered, or over whose line or lines such property may pass when transported on a through bill of lading, and no contract, receipt, rule, regulation or other limitation of any character whatsoever, shall exempt such common carrier from the liability imposed; and any such common carrier so receiving property for transportation wholly within the State of Washington, or any common carrier delivering said property so received and transported,

shall be liable to the lawful holder of said receipt or bill of lading, or to any party entitled to recover thereon, whether such receipt or bill of lading has been issued or not, for the full actual loss, damage or injury to such property caused by it or by any such common carrier to which such property may be delivered, or over whose line or lines such property may pass, when transported on a through bill of lading, notwithstanding any limitation of liability or limitation of the amount of recovery, or representation or agreement as to value in any such receipt or bill of lading, or in any contract, rule or regulation, or in any tariff filed with the Department of Public Service; and any such limitation, without respect to the manner or form in which it is sought to be made, is hereby declared to be unlawful and void: *Provided, however,* That the provisions hereof respecting liability for full actual loss, damage or injury, notwithstanding any limitation of liability or recovery or representation or agreement or release as to value, and declaring any such limitation to be unlawful and void, shall not apply: first, to baggage carried on passenger trains, boats, motor vehicles or aircraft, or trains, boats, motor vehicles or aircraft carrying passengers; second, to property, except ordinary livestock, received for transportation concerning which the carrier shall have been or shall be expressly authorized or required by order of the Department of Public Service, to establish and maintain rates dependent upon the value declared in writing by the shipper or agreed upon in writing as the released value of the property, in which case such declaration or agreement shall have no other effect than to limit liability and recovery to an amount not exceeding the value so declared or released; and any tariff schedule which may be filed with the Department of Public Service pursuant to such order shall contain specific reference thereto and may establish rates varying with the

Limitations  
of  
liability.

Orders of  
Department  
of Public  
Service.

Livestock.

Filing of  
claims.Connecting  
carriers.Amend-  
ment.

value so declared and agreed upon; and the Department of Public Service is hereby empowered to make such order in cases where rates dependent upon and varying with declared or agreed values would, in its opinion, be just and reasonable under the circumstances and conditions surrounding the transportation. The term "ordinary livestock" shall include all cattle, swine, sheep, goats, horses and mules, except such as are chiefly valuable for breeding, racing, show purposes, or other special uses: *Provided, further*, That nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under the existing law: *Provided, further*, That it shall be unlawful for any such receiving or delivering common carrier to provide by rule, contract, regulation, or otherwise a shorter period for the filing of claims than nine months, and for the institution of suits than two years, such period for institution of suits to be computed from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice: *And provided, further*, That for the purposes of this section and of section 2 of this act the delivering carrier in the case of rail transportation shall be construed to be the carrier performing the line-haul service nearest to the point of destination, and not a carrier performing merely a switching service at the point of destination: *And provided further*, That the liability imposed by this section shall also apply in the case of property reconsigned or diverted in accordance with the applicable tariffs filed with the Department of Public Service.

SEC. 3. That section 2, chapter 149, Laws of 1923 (section 3673-2, Remington's Revised Statutes, also Pierce's Perpetual Code 327-3), be amended to read as follows:

Section 2. The common carrier issuing such receipt or bill of lading, or delivering such property so received and transported, shall be entitled to recover from the common carrier on whose line the loss, damage, or injury shall have been sustained, the amount of such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment or transcript thereof.

Connecting  
carriers  
liability.

Passed the Senate March 1, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.

## CHAPTER 204.

[ S. B. 302. ]

### BANKS—PUBLICATION OF DEPOSITS.

AN ACT providing for the semi-annual publications by all banks and banking institutions, including branches thereof; and the total amount of deposits therein on certain dates and providing that any such institutions failing so to do shall not be eligible as depositories for public funds.

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

SECTION 1. Words and phrases as used in this act shall be given the meaning as in this section defined, unless the context clearly shows a different meaning is intended.

Definitions.

(a) "Banks" shall mean any commercial banking institution doing a commercial banking business within the State of Washington, and for the purpose of this act, each branch of any bank shall be considered as a separate institution.

Banks.

(b) "Public Funds" shall mean the funds of the State of Washington and of each and every subdivision, municipality, county, public corporation, quasi public corporation, quasi municipal corporation, irrigation district and port district therein.

Public  
funds.