

support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 23, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 146.

[S. B. 168.]

AGRICULTURAL COMMODITIES—TRANSPORT AND SALE—WEIGHMASTERS.

AN ACT relating to agriculture; providing for the weighing of commodities transported and sold; providing for the licensing and regulation of weighmasters; and providing penalties.

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

"Director."

SECTION 1. The term "director" as used in this act means the director of agriculture or his authorized representative.

"Retail merchant."

SEC. 2. "Retail merchant" as used in this act means and includes any person operating from a bona fide fixed or permanent location at which place all of the retail business of said merchant is transacted, and whose business is exclusively retail except for the occasional wholesaling of small quantities of surplus commodities which have been taken in exchange for merchandise from the producers thereof at the bona fide fixed or permanent location.

"Bona fide fixed or permanent location."

SEC. 3. "Bona fide fixed or permanent location" as used in this act shall mean any permanent warehouse, building, or structure, at which a permanent business is carried on as such throughout the year in good faith, and at which stocks of the property being transported are produced, stored, or kept in quantities reasonably adequate for, and usually carried for the requirements of such business, and shall

not mean residences or premises or buildings appurtenant thereto, tents, temporary stands or other temporary quarters, nor permanent quarters, occupied pursuant to any temporary arrangement.

SEC. 4. This act shall not apply to the following:

Act does not apply; when.

(1) The transportation or sale of produce by the producer thereof;

(2) An agriculturist hauling hay, straw or grain for use in his own growing, or animal or poultry husbandry endeavors;

(3) Warehousemen or grain dealers licensed under the grain warehouse laws with respect to their operations as such licensee;

(4) Retail merchants as defined herein, except for the provisions of sections 14, 16, 22 and 26 which apply to retail merchants;

(5) Shipments of grain from a warehouse licensed under the grain warehouse laws when consigned directly to a public terminal warehouse.

SEC. 5. It is unlawful to transport by highway any hay, straw or grain which is sold by weight unless it is weighed by, and a weight certificate certifying the correct gross and net weight is issued by, a licensed weighmaster at the first motor truck scale maintained by a licensed weighmaster encountered on the ordinary route to its destination where it is to be unloaded.

Unlawful to transport; when.

SEC. 6. Any person may make application to the director for a weighmaster's license. Application for a weighmaster's license shall be in writing on a form prescribed by the director. Each applicant shall furnish satisfactory evidence of good moral character, ability to weigh accurately and to make correct weight tickets. Upon receipt of the application together with satisfactory evidence of qualifications, on or before July 1, 1953, and annually thereafter, accompanied by a fee of fifteen dollars, the director

Weighmaster's license.

Application.

Fee.

shall issue an annual weighmaster's license. No weighmaster's license shall be issued to any applicant unless he owns or has under lease a motor truck scale of at least fifteen tons capacity, or to any applicant under the age of eighteen years, or to any person whose license issued under this act has been revoked.

Scale.

Age.

Bond required.

Time.

Filed.

Action on bond.

SEC. 7. Each application shall be accompanied by a bond in the penal sum of one thousand dollars executed by the applicant as principal and a surety company authorized to do business in this state as a surety. The bond shall run for a period of one year and shall be conditioned upon the faithful performance by the principal of his duties under the provisions of this act. Upon approval, the bond shall be filed in the office of the director. Any person who may suffer loss or damage from any wrongful acts of the weighmaster in his capacity as such, shall in addition to other legal remedies, have a right of action in his own name on such bond for all damages not exceeding one thousand dollars suffered by such person by reason of such loss or damage; however, the aggregate liability of the surety to all such persons shall, in no event, exceed the sum of such bond.

Posting of license.

SEC. 8. All weighmasters licensed under the provisions of this act shall post the original or certified copy of the weighmaster's license in a conspicuous place on the premises where the weighmaster is engaged in weighing.

Copy of license.

SEC. 9. A certified copy of a weighmaster's license may be procured by the holder of the original upon payment of a fee of one dollar.

Signing weighmaster's name.

SEC. 10. No person shall sign the name of a weighmaster licensed under the provisions of this act except the person to whom the weighmaster's license is issued, or his employee.

SEC. 11. A licensed weighmaster shall:

(1) Keep the scale or scales upon which he weighs any truck, trailer, wagon, commodity, hay, straw, grain or thing, in conformity with the standards of weights and measures authorized and established by the laws of the state relating to weights and measures;

Duties of weighmaster.

Accurate scales.

(2) Carefully and correctly weigh and certify the gross, tare and net weights of any load of any commodity or thing required to be weighed; and

Weigh loads.

(3) Without charge, weigh any truck, trailer, wagon, commodity, hay, straw, grain or thing brought to his scale by any inspector authorized by the director, and issue a certificate of the weights thereof.

Weigh vehicles and commodities and issue certificates.

SEC. 12. Certification of weights shall be made by means of an impression seal, the impress of which shall be placed by the licensed weighmaster upon the weights shown on the weight ticket. The weighmaster shall keep a record of each certificate of weight issued by him, which record shall be open at all times to inspection by any inspector authorized by the director. The impression seal shall be of a form and design prescribed by the director. It shall be procured from the director upon payment of an annual rental equal to the cost of the press and seal. It shall remain the property of the state, and shall be returned to the director upon the termination or revocation of the weighmaster's license.

Certification of weights.

Seal.

Record.

Rental of seal.

Property of state.

SEC. 13. Certificates shall be issued by licensed weighmasters for empty weights of vehicles, trucks or trailers which shall be valid for a period not exceeding ninety days. The empty weight shall be determined when the vehicle, truck or trailer is fully equipped to operate and with fuel tanks not less than one-half full. Vehicles, trucks, or trailers transporting loads, for which certificates of empty weights have been issued, shall carry such certificate

Certificates for empty weights of vehicles.

Posting.

at all times. The empty weight of a vehicle, truck or trailer shall not vary more than three percent from the certified empty weight.

Certificates
for loads of
hay, straw
or grain.

SEC. 14. Certificates of weight issued by licensed weighmasters and invoices for sales by retailers, if the commodity is being hauled by or for a retailer, shall be carried with all loads of hay, straw or grain when in transit.

Certification
tickets; form,
copies.

SEC. 15. Weight certification tickets shall be of a form and design approved by the director. They shall be made in triplicate, one copy of which shall be delivered to the consignee, purchaser or person receiving the load at the time of delivery, one copy shall be retained by the person, driver or owner of the vehicle making the delivery, and one copy shall be retained by the licensed weighmaster to be kept as his record.

Reweighing.

SEC. 16. The driver of any vehicle previously weighed by a licensed weighmaster may be required to reweigh the vehicle and load at the nearest scale. The driver of any vehicle operated by or for a retailer which contains hay, straw, commercial feed or grain may be required to be weighed at the nearest scale, and if the weight is found to be less than the amount appearing on the invoice, a copy of which is required to be carried on the truck, the director shall report the finding to the consignee and may cause the retailer to be prosecuted in accordance with the provisions of this act.

Weight less
on invoice.

Report.

Prosecution.

Falsifying or
influencing
the falsifica-
tion of
weights.

SEC. 17. Any person who shall mark, stamp, or write any false weight ticket, scale ticket, or weight certificate, knowing it to be false, and any person who influences, or attempts to influence any licensed weighmaster in the performance of his official duties shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thou-

Penalty.

sand dollars, or by imprisonment of not less than thirty days nor more than one year in the county jail, or both such fine and imprisonment.

SEC. 18. It is unlawful to use, exhibit, issue or deliver any weight ticket, certificate of weight or measure, or statement of weight or measure of any kind upon which in whole or in part is impressed or stamped by a seal, or otherwise, or printed or written, or set forth in any manner, the words "State of Washington" or the name of any department or division, office or officer or employee of the state unless issued pursuant to the provisions of this act.

Unlawful use, etc., of words "State of Washington."

SEC. 19. Any person not licensed and qualified who assumes to act as a licensed weighmaster, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars or more than two hundred and fifty dollars, or by imprisonment for not less than fifteen days nor more than ninety days in the county jail or by both such fine and imprisonment.

Unqualified person acting as weighmaster.

Penalty.

SEC. 20. It is unlawful to alter, vary or lessen the weight of any load of any commodity after the weight of such load has been certified by a licensed weighmaster before the load has been delivered to the person, consignee, or buyer of a load. The certificate of weight issued by a licensed weighmaster shall be carried with the vehicle until delivery, and shall be delivered to the person, consignee or buyer at the time of delivery: *Provided*, That when two or more deliveries are made from one load for which a certificate of weight has been issued, the driver or person in charge of the load shall issue, at the time of delivery to each vendee an invoice containing the vendor's name and address, date, and a true statement of the quantity and weight delivered and the kind or commodity delivered.

Unlawful to lessen, etc., load after weight certified.

Certificate to be carried and delivered.

Two or more deliveries from one load.

Duties of director.

SEC. 21. The director shall adopt and publish reasonable rules and regulations necessary for the administration of this act, and may, in his discretion, establish reasonable fees for weighing.

Fees.

Prosecutions.

SEC. 22. Prosecutions brought under this act shall be instituted in the county wherein the alleged violation occurred.

Revocation, suspension, or refusal to renew licenses.

SEC. 23. A license issued under the provisions of this act may be revoked, suspended or the renewal thereof refused by the director for dishonesty, incompetency, inaccuracy, for any false statement made in any part of the application for a weighmaster's license, or for violation of any of the provisions of this act. If the director refuses to grant any license provided for herein, or refuses to grant a renewal thereof to any applicant, or revokes any license previously granted by him, he shall give the applicant, or licensee, fifteen days' notice of his intended action in writing by registered mail, giving reasons therefor. Upon the request of the applicant or licensee he shall afford him an opportunity for a hearing as early as practicable within not to exceed twenty days after receipt of such request. Upon such hearing, the director may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the license.

Notice.

Hearing.

Director may administer oaths and issue subpoenas.

Appeal.

SEC. 24. From an order of the director revoking any license issued under this act, the licensee has the right to appeal to the superior court of the county of his residence, in which case the procedure shall as nearly as practicable conform to that upon civil appeals from justice courts.

Notice of change in organization.

SEC. 25. Any change in the organization of any firm, association, exchange, corporation or copartnership licensed under this act shall be reported imme-

diately to the director. Licenses issued under this act shall not be transferable. Licenses not transferable.

SEC. 26. Any retailer whose load of hay, grain, commercial feed or straw weighs less than that shown on the invoice is guilty of a misdemeanor. Any person violating any provisions of this act for which no other penalty is herein prescribed shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars. Each day's violation of this act shall constitute a separate offense. Penalties.

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CHAPTER 147.

[S. B. 234.]

SALMON RESOURCES—CONSERVATION—REGULATIONS.

AN ACT relating to the salmon resources of the state of Washington; declaring a public policy; describing conditions detrimental to such resources; prescribing remedies and regulations; forbidding certain practices; imposing penalties; providing for permits; and declaring an emergency.

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

SECTION 1. The state of Washington has a major and substantial interest in the fisheries and fishing industry within its boundaries and a special interest in its salmon resources. Salmon within the waters of the state, including its coastal waters and offshore waters contiguous thereto, constitute a commercial asset and a vital food resource in which the state of Washington has a special interest, in that such salmon spawn in the fresh water streams of the state of Washington, migrate to the sea and, in response to their anadromous cycle, return to the fresh water streams of Washington, from which they originate, to Public policy.