

## CHAPTER 253.

[ S. B. 118. ]

## VOLUNTEER FIREMEN'S RELIEF AND PENSIONS.

AN ACT relating to volunteer firemen's relief and pensions; authorizing an actuarial survey; and amending sections 41.24.150, 41.24.160, 41.24.170, 41.24.190, 41.24.200, 41.24.110 and 41.24.220, RCW.

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

SECTION 1. Section 41.24.150, RCW, as derived from section 15, chapter 261, Laws of 1945, is amended to read as follows: Amendment.

Whenever a fireman serving in any capacity as a member of a fire department subject to the provisions of this chapter becomes physically or mentally disabled, or sick, in consequence or as the result of the performance of his duties, so as to be wholly prevented from engaging in each and every duty of his regular occupation, business or profession, he shall be paid from the fund monthly, the sum of two hundred twenty-five dollars for a period of not to exceed six months, or eight dollars per day for such period as is part of a month, after which period, if the member is incapacitated to such an extent that he is thereby prevented from engaging in any occupation or performing any work for compensation or profit, he shall be entitled to draw from the fund monthly, the sum of one hundred dollars so long as the disability continues. The board may at any time reopen the grant of such disability pension if the pensioner is gainfully employed, and may reduce it in the proportion that the income from such gainful employment bears to the income received by the pensioner at the time of his disability. Disability payments.

SEC. 2. Section 41.24.160, as derived from section 2, chapter 103, Laws of 1951, is amended to read as follows: Reopening of grant.

Amendment.

Payment to widow upon death from line of duty injury or sickness.

Whenever a fireman dies as the result of injuries received, or sickness contracted while in the performance of his duties, the board of trustees shall order and direct the payment of the sum of one thousand dollars to his widow, or if there be no widow, then to his dependent child or children, and the sum of one hundred dollars per month to his widow during her life; or, if there is no widow, or the widow dies while there are minor children, then to his minor child or children until they reach the age of eighteen years; and if there are no widow, child or children entitled thereto, then to his parents or either of them, if it is proven to the satisfaction of the board that the parents, or either of them, were dependent on the deceased for their support at the time of his death: *Provided*, That if the widow, child or children, or the parents, or either of them, marry while receiving such pension the person so marrying shall thereafter receive no further pension from the fund: *Provided further*, That the pension herein provided shall be reduced by such amounts, during such period, as any of the beneficiaries herein named shall be eligible to receive under the provisions of the federal old-age retirement act.

Where no widow or widow dies.

Effect of marriage.

Federal retirement act.

Amendment.

SEC. 3. Section 41.24.170, RCW, as derived from section 1, chapter 103, Laws of 1951, is amended to read as follows:

Fireman of 25 years service in volunteer fire department.

Whenever any fireman on June 5, 1953, had been a member and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and which municipality and fireman are enrolled within three years thereafter, and the fireman has reached the age of sixty-five years, the board of trustees may order and direct that he be paid a monthly pension of fourteen dollars from the fund.

Sixty-five years of age pension.

Whenever a fireman has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and the annual retirement fee has been paid for a period of twenty-five years, the board of trustees shall order and direct that such fireman be paid a monthly pension of sixty-five dollars from the fund upon his attaining the age of sixty-five years and for the balance of his life.

Where  
annual  
retirement  
fee paid for  
25 years.

Pension.

Whenever any fireman has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and the annual retirement fee has been paid for a period of less than twenty-five years by reason of the fact that part of such service was rendered prior to June 5, 1953, the board of trustees shall order and direct that such fireman shall receive the minimum monthly pension herein provided increased by the sum of two dollars each month for each year the annual fee has been paid, but not to exceed the maximum monthly pension herein provided, upon such fireman attaining the age of sixty-five years and for the balance of his life: *Provided, however,* That nothing herein contained shall be construed as reducing the amount of any pension to which any fireman shall have been eligible to receive under the provisions of section 1, chapter 103, Laws of 1951.

Fee paid for  
less than  
25 years.

Minimum  
pension.

No pension herein provided shall become payable before the sixty-fifth birthday of the fireman: *Provided, however,* That nothing herein contained shall require any fireman having twenty-five years' active service to continue as a fireman after the age of fifty-five years, or such additional age as may be required to complete such twenty-five years' service.

Pensions  
payable  
at 65.

No pension herein provided shall be payable for any service less than twenty-five years.

25-year  
minimum.

SEC. 4. Section 41.24.190, RCW, as derived from section 19, chapter 261, Laws of 1945 is amended to read as follows:

Proof of service.

The filing of reports of enrollment shall be prima facie evidence of the service of the firemen therein listed for the year of such report as to service rendered subsequent to July 6, 1945. Proof of service of firemen prior to that date shall be by documentary evidence, or such other evidence reduced to writing and sworn to under oath, as shall be submitted to the board of trustees and certified by it as sufficient: *Provided*, That such proof of service must be submitted within three years from June 5, 1953, for firemen not previously enrolled.

Amendment.

SEC. 5. Section 41.24.200, RCW, as derived from section 20, chapter 261, Laws of 1945, is amended to read as follows:

Service need not be continuous nor in single department.

The aggregate term of service of any fireman need not be continuous nor need it be confined to a single fire department nor a single municipality in this state to entitle such fireman to a pension: *Provided*, That he has been duly enrolled in a fire department of a municipality which has elected to make provisions for the retirement of its fireman at the time he becomes eligible for such pension as in this chapter provided, and has paid all fees prescribed. To be eligible to the full pension a fireman must have an aggregate of twenty-five years' service, have made twenty-five annual payments into the fund, and be at least sixty-five years of age at the time of his retirement, all of which must have been in the fire department of a municipality or municipalities which have elected to make provisions for the retirement of its volunteer firemen: *Provided, however*, That nothing herein contained shall require any fireman having twenty-five years' active service to continue as a fireman after the age

Eligibility requirements.

of fifty-five years, or such additional age as may be required to complete such twenty-five years' service.

SEC. 6. Section 41.24.110, RCW, as derived from section 1, chapter 145, Laws of 1949, is amended to read as follows: Amendment.

The board shall make provisions for the employment of a regularly licensed practicing physician for the examination of members of fire departments making application for membership. Such appointed physician shall visit and examine all sick and injured firemen, perform such services and operations and render all medical aid and care necessary for the recovery of firemen on account of sickness or disability received while in the performance of duties. Such appointed physician shall be paid his fees from said fund but not in excess of the schedule of fees for like services approved by the director of labor and industries under Title 51. No physician or surgeon, not approved by the board, shall receive or be entitled to any compensation from said fund as the private or attending physician of any fireman. No person shall have any right of action against the board of trustees of said fund for the negligence of any physician or surgeon employed by it. Any physician employed by the board to attend upon any fireman shall report his findings in writing to said board. Employment of physician for examinations.

SEC. 7. Section 41.24.220, RCW, as derived from section 3, chapter 103, Laws of 1951, is amended to read as follows: Duties.

Whenever any fireman becomes disabled or sick in the performance of his duties by reason of which he is confined to any hospital, an amount not exceeding one hundred dollars weekly, or a proportional amount for less than a whole week, shall be allowed and paid from said fund toward such hospital expenses for a period not exceeding twenty-six weeks: *Provided*, That this allowance shall not be in lieu of but in addition to any other allowance Fees.

Payment of  
additional  
expenses.

in this chapter provided: *Provided further*, That costs of surgery, medicine, laboratory fees, X-ray, special therapies, and similar additional costs shall be paid in addition thereto.

Actuarial  
survey.

SEC. 8. The insurance commissioner shall make or have made an actuarial survey of the volunteer firemen's relief and pension fund during the 1953-55 biennium and make such report to the next regular session of the legislature.

Passed the Senate March 11, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 21, 1953.

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## CHAPTER 254.

[ S. B. 459. ]

### HIGHWAYS—BUDGET AND PLAN—JOINT COMMITTEE— VEHICLE SIZE, WEIGHT, LOAD.

AN ACT relating to state government and to highways and the operation of motor vehicles thereon; the duties of the state highway commission and the joint fact-finding committee on highways, streets and bridges; prescribing and regulating the size, weight, licensing and enforcement of regulations governing motor vehicles; providing fees; authorizing special permits; providing penalties; amending sections 43.27.200, 46.44.045, 46.44.046, 46.44.047, 46.44.048, 46.44.091, 46.44.095, 46.44.097, RCW, and section 48, chapter 269, Laws of 1951 (uncodified); and declaring an emergency.

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

Amendment.

SECTION 1. Section 43.27.200, RCW, as derived from section 15, chapter 247, Laws of 1951, is hereby amended to read as follows:

Budget.

The commission shall prepare, furnish and present to the governor, and through him to the legislature, the budget for the following two years. The commission shall submit to the legislature a comprehensive plan for highway development based on the