

in the county school fund and shall be used exclusively for the support of the common schools: *Provided*, That one percent of the proceeds of the tax provided for herein may be placed in the current expense fund of the county.

Passed the House February 26, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 95.

[H. B. 224.]

PUBLIC SERVICE COMPANIES.

AN ACT relating to public service companies engaged in supplying utility services and commodities and transportation services to the public for compensation and subject to regulation as to rates, services, facilities and practices by the public service commission; amending section 22.20.060, RCW, chapters 22.20 and 22.24, RCW, by adding new sections thereto, sections 80.08.010, 80.08.030, 80.12.010, 80.16.010, 80.20.010, 81.08.010, 81.08.030, 81.08.070, 81.12.010, 81.16.010, 81.20.010, 81.52.300, 81.52.325, 81.80.070, 81.80.170, 81.80.310, RCW, chapter 81.80, RCW, by adding new sections thereto; and repealing chapter 81.76, RCW, and section 81.80.210, RCW.

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

SECTION 1. Chapter 22.20, RCW, is amended by adding thereto a new section to read as follows: New section.

A storage warehouseman subject to the provisions of this chapter is a "public service company" within the meaning of the provisions of title 81. Storage warehouseman is public service company.

SEC. 2. Section 22.20.060, RCW, as derived from section 1, chapter 128, Laws of 1949, is amended to read as follows: Amendment.

Upon receiving an original application for a storage warehouse license, the commission shall cause an inspection to be made of the premises the applicant is operating. Storage warehouseman license; inspection of premises and facilities.

cant proposes to use for a storage warehouse, to determine if the premises and facilities are adequate, safe and suitable for use as a storage warehouse.

Financial responsibility.

The commission shall also make such investigation as it deems necessary to determine whether the applicant is financially able to act as a storage warehouseman and is familiar with the laws of the state of Washington and the rules and regulations of the commission pertaining to storage warehousemen and shall thereafter promptly enter its order accordingly, either granting or denying the license applied for.

Familiarity with laws and regulations.

Review.

The decisions of the commission made pursuant to this section shall be subject to review in the superior court for Thurston county.

New section.

SEC. 3. Chapter 22.24, RCW, is amended by adding thereto a new section to read as follows:

Wharfinger or warehouseman is public service company.

A wharfinger or warehouseman subject to the provisions of this chapter is a "public service company" within the meaning of the provisions of title 81.

Amendment.

SEC. 4. Section 80.08.010, RCW, as derived from section 1, chapter 151, Laws of 1933, is amended to read as follows:

Public utility securities; "public service company" defined.

The term "public service company," as used in this chapter, shall mean every company now or hereafter engaged in business in this state as a public utility and subject to regulation as to rates and service by the public service commission under the provisions of this title.

Amendment.

SEC. 5. Section 80.08.030, RCW, as derived from section 3, chapter 151, Laws of 1933, as last amended by section 1, chapter 30, Laws of 1937, is amended to read as follows:

Public utility securities; issuance and authorized purposes.

A public service company may issue stock and stock certificates or other evidence of interest or ownership, or bonds, notes or other evidence of indebtedness payable on demand or at periods of

more than twelve months after the date thereof, for the following purposes only: The acquisition of property, or the construction, completion, extension, or improvement of its facilities, or the improvement or maintenance of its service, or the issuance of stock dividends, or the discharge or refunding of its obligations, or the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the company not secured by or obtained from the issue of stock or stock certificates or other evidence of interest or ownership, or bonds, notes or other evidence of indebtedness of the company for any of the aforesaid purposes except maintenance of service, in cases where the applicant keeps its accounts and vouchers for such expenditures in such manner as to enable the commission to ascertain the amount of money so expended and the purpose for which the expenditure was made.

SEC. 6. Section 80.12.010, RCW, as derived from section 1, chapter 159, Laws of 1941, is amended to read as follows: Amendment.

The term "public service company," as used in this chapter, shall mean every company now or hereafter engaged in business in this state as a public utility and subject to regulation as to rates and service by the public service commission under the provisions of this title. Public utility transfers of property; "public service company" defined.

SEC. 7. Section 80.16.010, RCW, as derived from section 1, chapter 152, Laws of 1933, is amended to read as follows: Amendment.

As used in this chapter the term "public service company" shall include every corporation engaged in business as a public utility and subject to regulation as to rates and service by the public service commission under the provisions of this title. Public utility affiliated interests; "public service company" defined.

As used in this chapter, the term "affiliated interest" means: "Affiliated interest" defined.

Every corporation and person owning or holding directly or indirectly five percent or more of the voting securities of any public service company engaged in any intrastate business in this state;

Every corporation and person, other than those above specified, in any chain of successive ownership of five percent or more of voting securities, the chain beginning with the holder of the voting securities of such public service company;

Every corporation five percent or more of whose voting securities are owned by any person or corporation owning five percent or more of the voting securities of such public service company or by any person or corporation in any such chain of successive ownership of five percent or more of voting securities;

Every corporation or person with which the public service company has a management or service contract; and

Every person who is an officer or director of such public service company or of any corporation in any chain of successive ownership of five percent or more of voting securities.

Amendment.

SEC. 8. Section 80.20.010, RCW, as derived from section 1, chapter 203, Laws of 1939, is amended to read as follows:

Public utility investigation; "public service company" defined.

As used in this chapter, the term "public service company" means any person, firm, association, or corporation, whether public or private, operating a utility or public service enterprise subject in any respect to regulation by the commission under the provisions of this title.

Amendment.

SEC. 9. Section 81.08.010, RCW, as derived from section 1, chapter 151, Laws of 1933, is amended to read as follows:

Transportation company securities; "public service company" defined.

The term "public service company," as used in this chapter, shall mean every company now or hereafter engaged in business in this state as a public

utility and subject to regulation as to rates and service by the public service commission under the provisions of this title or title 22: *Provided*, That it shall not include any such company the issuance of stocks and securities of which is subject to regulation by the Interstate Commerce Commission.

SEC. 10. Section 81.08.030, RCW, as derived from section 3, chapter 151, Laws of 1933, as last amended by section 1, chapter 30, Laws of 1937, is amended to read as follows: Amendment.

A public service company may issue stock and stock certificates or other evidence of interest or ownership, or bonds, notes or other evidence of indebtedness payable on demand or at periods of more than twelve months after the date thereof, for the following purposes only: The acquisition of property, or the construction, completion, extension, or improvement of its facilities, or the improvement or maintenance of its service, or the issuance of stock dividends, or the discharge or refunding of its obligations, or the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the company not secured by or obtained from the issue of stock or stock certificates or other evidence of interest or ownership, or bonds, notes or other evidence of indebtedness of the company for any of the aforesaid purposes except maintenance of service, in cases where the applicant keeps its accounts and vouchers for such expenditures in such manner as to enable the commission to ascertain the amount of money so expended and the purpose for which the expenditure was made. Transportation company securities; issuance and authorized purposes.

SEC. 11. Section 81.08.070, RCW, as derived from section 6, chapter 151, Laws of 1933, as last amended by section 2, chapter 30, Laws of 1937, is amended to read as follows: Amendment.

Each public service company making application to the commission for authority to issue stock and Transportation company securities; fees.

stock certificates or other evidence of interest or ownership and bonds, notes or other evidence of indebtedness, shall pay to the commission the following fees: For each order authorizing an issue of bonds, notes or other evidence of indebtedness, one dollar for each one thousand dollars of the principal amount of the authorized issue or fraction thereof up to one million dollars, and fifty cents for each one thousand dollars over one million dollars and up to ten million dollars, and ten cents for each one thousand dollars over ten million dollars, with a minimum fee in any case of ten dollars; for each order authorizing an issue of stock, stock certificates, or other evidence of interest or ownership, one dollar for each one thousand dollars of the par or stated value of the authorized issue or fraction thereof up to one million dollars, and fifty cents for each one thousand dollars over one million dollars and up to ten million dollars, and ten cents for each one thousand dollars over ten million dollars, with a minimum fee in any case of ten dollars: *Provided*, That only twenty-five percent of the specified fees need be paid on any issue or on such portion thereof as may be used to guarantee, take over, refund, or discharge any stock issue or stock certificates, bonds, notes or other evidence of interest, ownership, or indebtedness on which a fee has theretofore been paid: *Provided further*, That if the commission modifies the amount of the issue requested and the applicant elects not to avail itself of the authorization, no fee need be paid. All fees collected under this section shall be paid at least once each month to the state treasurer and deposited in the public service revolving fund.

Amendment. SEC. 12. Section 81.12.010, RCW, as derived from section 1, chapter 159, Laws of 1941, is amended to read as follows:

The term "public service company," as used in

this chapter, shall mean every company now or hereafter engaged in business in this state as a public utility and subject to regulation as to rates and service by the public service commission under the provisions of this title or title 22: *Provided*, That it shall not include common carriers subject to regulation by the Interstate Commerce Commission: *Provided further*, That it shall not include motor freight carriers subject to the provisions of chapter 81.80.

Transportation company transfers of property; "public service company" defined.

SEC. 13. Section 81.16.010, RCW, as derived from section 1, chapter 152, Laws of 1933, is amended to read as follows:

Amendment:

As used in this chapter, the term "public service company" shall include every corporation engaged in business as a public utility and subject to regulation as to rates and service by the public service commission under the provisions of this title or title 22.

Transportation company transfers of property; "public service company" defined.

As used in this chapter, the term "affiliated interest," means:

"Affiliated interest" defined.

Every corporation and person owning or holding directly or indirectly five percent or more of the voting securities of any public service company engaged in any intrastate business in this state;

Every corporation and person, other than those above specified, in any chain of successive ownership of five percent or more of voting securities, the chain beginning with the holder of the voting securities of such public service company;

Every corporation five percent or more of whose voting securities are owned by any person or corporation owning five percent or more of the voting securities of such public service company or by any person or corporation in any such chain of successive ownership of five percent or more of voting securities;

Every corporation or person with which the public service company has a management or service contract; and

Every person who is an officer or director of such

public service company or of any corporation in any chain of successive ownership of five percent or more of voting securities.

Amendment. SEC. 14. Section 81.20.010, RCW, as derived from section 1, chapter 203, Laws of 1939, is amended to read as follows:

Transportation company investigation; "public service company" defined.

As used in this chapter, the term "public service company" means any person, firm, association, or corporation, whether public or private, operating a utility or public service enterprise subject in any respect to regulation by the public service commission under the provisions of this title or title 22.

Amendment. SEC. 15. Section 81.52.300, RCW, as derived from section 21, chapter 30, Laws of 1913, as last amended by section 3, chapter 179, Laws of Ex. Ses. 1925, is amended to read as follows:

Railroad crossings; first class cities. Street railway lines.

RCW 81.52.080 to 81.52.300, inclusive, shall not be operative within the limits of first class cities, and shall not apply to street railway lines operating on or across any street, alley, or other public place within the limits of any city, except that no street car line outside of cities of the first class shall cross a railroad at grade without express authority from the commission. The commission may not change the location of a state highway without the approval of the director of highways, or the location of any crossing thereon adopted or approved by the highway commission, or grant a railroad authority to cross a state highway at grade unless the director of highways consents thereto.

State highways.

Amendment. SEC. 16. Section 81.52.325, RCW, as derived from section 2, chapter 111, Laws of 1951, is amended to read as follows:

Grade crossings; industrial crossings in first class cities.

RCW 81.52.310 and 81.52.320 shall not be operative within the limits of cities of the first class.

SEC. 17. Section 81.80.070, RCW, as derived from section 5, chapter 184, Laws of 1935, as last amended

by section 2, chapter 264, Laws of 1947, is amended Amendment.
to read as follows:

No "common carrier," "contract carrier," or "temporary carrier" shall operate for the transportation of property for compensation in this state without first obtaining from the commission a permit so to do. Motor freight carriers; permits. Permits heretofore issued or hereafter issued to any carrier, shall be exercised by said carrier to the fullest extent so as to render reasonable service to the public. Applications for common or contract carrier permits or extensions thereof shall be on file for a period of at least thirty days prior to the granting thereof unless the commission finds that special conditions require the earlier granting thereof.

No permit or extension thereof shall be granted if the commission finds that the applicant is not financially able, properly and adequately equipped, and capable of conducting the transportation service applied for in compliance with the law and rules and regulations of the commission, and the commission may deny an application if the applicant or any of its principal officers or stockholders fails, or has failed, to comply with the laws of the state.

Nothing contained in this chapter shall be construed to confer upon any person or persons the exclusive right or privilege of transporting property for compensation over the public highways of the state, but the commission may deny an application when it appears clearly, after public hearing, that the additional service would unreasonably congest the highways or tend to impair the stability and dependability of the service essential to the public needs.

The commission shall also consider the amount and type of service rendered in any area by any class of service and may deny an application for permit or extension, if it appears that the grant of such permit or extension would not be in the interest of the ship-

ping public or would tend to impair the stability or dependability of existing service essential to the public needs or requirements.

Amendment. SEC. 18. Section 81.80.170, RCW, as derived from section 14, chapter 184, Laws of 1935, is amended to read as follows:

Motor freight carriers; temporary permits.

The commission may issue temporary permits to temporary "common carriers" or "contract carriers" for a period not to exceed ninety days, but only after it finds that an emergency exists because existing transportation agencies cannot supply the necessary service. It may prescribe such special rules and regulations and impose such special terms and conditions with reference thereto as in its judgment are reasonable and necessary in carrying out the provisions of this chapter.

The commission may also issue temporary permits pending the determination of an application filed with the commission for approval of a consolidation or merger of the properties of two or more common carriers or contract carriers or of a purchase or lease of one or more common carriers or contract carriers.

Amendment. SEC. 19. Section 81.80.310, RCW, as derived from section 27, chapter 184, Laws of 1935, as last amended by section 1, chapter 129, Laws of 1949, is amended to read as follows:

Motor freight carriers; identification plates.

It shall be unlawful for any "common carrier," or "contract carrier" to operate any motor vehicle within this state unless there shall be displayed and firmly fixed upon the front and rear of such vehicle an identification plate to be furnished by the commission. Such plates shall be different in design for the different classes of carriers, shall bear the number given to the vehicle by the commission, and such other marks of identification as may be required, and, subject to the qualification hereinafter contained, shall be in addition to the regular license

plates required by law. Such plates shall be issued annually under the rules and regulations of the commission, and shall be attached to each motor vehicle operated subject to this chapter not later than January 1st of each year: *Provided*, That such plates may be issued for the ensuing calendar year on and after the first day of December preceding and may be used and displayed from the date of issue until December 31st of the succeeding calendar year for which the same are issued. In case an applicant received a permit after January 1st of any year such plates shall be obtained and attached to each motor vehicle subject to this chapter before operation of any such vehicle is commenced.

The commission shall collect from each such carrier a fee of three dollars for each pair of identification plates so issued, and all fees for such plates shall be deposited in the state treasury to the credit of the public service revolving fund.

SEC. 20. Chapter 81.80, RCW, as derived from chapter 184, Laws of 1935, is amended by adding thereto a new section to read as follows:

No carrier shall interchange its trailers or semi-trailers with any other carrier without first filing an interchange agreement with and securing approval thereof by the commission. The interchange agreement providing for the transfer or interchange of trailers or semi-trailers pursuant thereto shall be authorized only on through movements between connecting regular route carriers.

The interchange of trailers and semi-trailers used in intrastate commerce shall be authorized only in respect to such vehicles which have secured and affixed upon them identification plates as prescribed in RCW 81.80.310.

Any carrier operating any truck, trailer or semi-trailer, owned by another person or party but not operated pursuant to an interchange agreement

shall secure identification plates in his own name for such vehicles as required by RCW 81.80.310.

New section.

SEC. 21. Chapter 81.80, RCW, as derived from chapter 184, Laws of 1935, is amended by adding thereto a new section to read as follows:

Interstate motor freight carriers; interchange; unassigned identification plates.

Carriers engaged in interstate commerce using trailers or semi-trailers pursuant to an interchange agreement, which vehicles do not have affixed upon them identification plates as prescribed in RCW 81.80.310, may use the highways of this state upon securing from the commission unassigned identification plates to be attached to such vehicles while operating over the highways of this state. The fee for each pair of such plates shall be the same as prescribed in RCW 81.80.310 and shall be deposited in the state treasury to the credit of the public service revolving fund.

Excise tax exemption.

The commission shall not be required to collect the excise tax prescribed by RCW 82.44.070 for such plates.

New section.

SEC. 22. Chapter 81.80, RCW, as derived from chapter 184, Laws of 1935, is amended by adding thereto a new section to read as follows:

Motor freight carriers; penalty for wrongful advertising.

Any person not holding a permit authorizing him to operate as a common carrier, contract carrier, or temporary carrier for the transportation of property for compensation in this state, or an exempt carrier, who displays on any building, vehicle, billboard or in any manner, any advertisement of, or by circular, letter, newspaper, magazine, poster, card or telephone directory, the transportation of property for compensation shall be guilty of a misdemeanor and punishable as such.

New section.

SEC. 23. Chapter 81.80, RCW, as derived from chapter 184, Laws of 1935, is amended by adding thereto a new section to read as follows:

Same; hours of drivers.

The commission may adopt rules and regulations

relating to the hours of duty of motor carrier drivers and operators.

SEC. 24. Chapter 71.76, RCW, as derived from chapter 198, Laws of 1941, and section 81.80.210, RCW, as derived from section 18, chapter 184, Laws of 1935, are repealed. Repealing clause.

Passed the House March 5, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 96.

[H. B. 243.]

STATE LANDS—EXCHANGE FOR LANDS FOR STATE PARK PURPOSES.

An Act authorizing the exchange of certain state lands for other lands of equal value for state park purposes.

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

SECTION 1. For the purpose of securing and preserving certain lands for state park purposes, the commissioner of public lands shall, with the advice and approval of the board of state land commissioners, exchange any state lands of equal value for any lands, located in the following described tracts, which may be selected and requested by the state parks and recreation commission for state park purposes: Government lots 1, 2, 3, and 4 of section 20, all of section 21, government lot 1 of section 22, government lot 1 of section 29, the north half of the north half of section 28, and government lot 1 of section 27, all in township 13 north, range 11 west, W. M. in Pacific county; the northeast quarter of the southwest quarter and the south half of the southwest quarter of section 24, township 2 north, range 6 east, W. M., in Skamania county; and the southeast quarter of sec-

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tion.

Description.