

CHAPTER 205.

[S. B. 340.]

PUBLIC SERVICE COMPANIES.

AN ACT relating to public service companies; amending section 9, chapter 95, Laws of 1953 and RCW 81.08.010; amending section 15, chapter 117, Laws of 1911 and RCW 81.28.050; amending section 1, chapter 133, Laws of 1949 and RCW 81.80.040; amending section 9, chapter 166, Laws of 1937 and RCW 81.80.130; amending section 4, chapter 264, Laws of 1947 and RCW 81.80.150; amending section 8, chapter 79, Laws of 1955 and RCW 81.80.320; amending section 22, chapter 95, Laws of 1953 and RCW 81.80.355; adding to chapter 154, Laws of 1933 and to chapter 22.20 RCW, a new section; repealing section 13, chapter 184, Laws of 1935 and RCW 81.80.160; and providing penalties.

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

SECTION 1. There is added to chapter 154, Laws of 1933 and to chapter 22.20 RCW a new section to read as follows:

New section.

In addition to all other penalties provided by law every "storage warehouseman" and "warehouseman" subject to the provisions of this chapter and every officer, agent, or employee of any such "storage warehouseman" or "warehouseman" who violates or who procures, aids or abets in the violation of any provisions of this chapter, or any order, rule, regulation, or decision of the commission shall incur a penalty of one hundred dollars for every such violation. Every violation shall be a separate and distinct offense, and in case of a continuing violation every day's continuance shall be a separate and distinct offense. Every act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under this section and subject to the penalty herein specified.

Violation—
Additional
penalties—
Separate
offenses—
Penalty, due
date—Action
to recover.

The penalty shall become due and payable when the person incurring it receives a notice in writing from the commission describing the violation with

Wharfingers and warehousemen. Violation—Penalty, due date—Action to recover.

reasonable particularity and advising such person that the penalty is due.

The commission may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as it deems proper, and may ascertain the facts involved in all such applications in such manner and under such regulations as it deems proper.

If the amount of a penalty is not paid to the commission within fifteen days after receipt of the notice imposing it, or within fifteen days after the violator has received notice of the disposition of his application for remission or mitigation, the attorney general shall bring an action in the name of the state in the superior court of Thurston county or of some county in which such violator may be doing business, to recover the penalty. In all such actions the procedure and rules of evidence shall be the same as in ordinary civil actions except as otherwise herein provided. All penalties recovered under this chapter shall be paid into the state treasury and credited to the public service revolving fund.

RCW 81.08.010 amended.

SEC. 2. Section 9, chapter 95, Laws of 1953 and RCW 81.08.010 are each amended to read as follows:

Definitions. "Public service company."

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: *Provided further*, That it shall not include any "motor carrier" as that term is defined in RCW 81.80.010.

Proviso.

Proviso.

SEC. 3. Section 15, chapter 117, Laws of 1911 and RCW 81.28.050 are each amended to read as follows:

RCW 81.28.050 amended.

Unless the commission otherwise orders, no change shall be made in any classification, rate, fare, charge, rule, or regulation filed and published by a common carrier, except after thirty days' notice to the commission and to the public published as aforesaid, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the changed rate, classification, fare, or charge will go into effect; and all proposed changes shall be shown by printing, filing and publishing new schedules or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. The commission, for good cause shown, may by order allow changes in rates without requiring the thirty days' notice and the publication. When any change is made in any rate, fare, charge, classification, rule, or regulation, attention shall be directed to such change by some character on the schedule, such character and its placement to be designated by the commission. The commission may, by order, for good cause shown, allow changes in any rate, fare, charge, classification, rule, or regulation without requiring any character to indicate each and every change to be made.

Common carriers. Tariff charges—Statutory notice—Exception.

SEC. 4. Section 1, chapter 133, Laws of 1949, and RCW 81.80.040 are each amended to read as follows:

RCW 81.80.040 amended.

The provisions of this chapter, except where specifically otherwise provided, and except the provisions providing for licenses, shall not apply to:

Motor freight carriers. Ex-empt vehicles.

(1) Motor vehicles when operated in transportation exclusively within the corporate limits of any city or town of less than ten thousand population unless contiguous to a city or town of ten thou-

Transportation. Motor freight carriers. Ex-empt vehicles.

sand population or over, nor between contiguous cities or towns both or all of which are less than ten thousand population;

(2) Motor vehicles when transporting exclusively the United States mail or in the transportation of newspapers or periodicals;

(3) Motor vehicles owned and operated by the United States, the state of Washington, or any county, city, town, or municipality therein, or by any department of them, or either of them;

(4) Motor vehicles specially constructed for towing disabled vehicles or wrecking and not otherwise used in transporting goods for compensation;

(5) Motor vehicles owned and operated by farmers in the transportation of their own farm, orchard or dairy products from point of production to market, or in the infrequent or seasonal transportation by one farmer for another in his immediate neighborhood of products of the farm, orchard or dairy, or of supplies or commodities to be used on the farm, orchard or dairy.

(6) Motor vehicles when transporting exclusively water in connection with construction projects only.

RCW 81.80.130 amended.

SEC. 5. Section 9, chapter 166, Laws of 1937 and RCW 81.80.130 are each amended to read as follows:

Regulatory power of commission over common carriers.

The commission shall supervise and regulate every "common carrier" in this state; make, fix, alter, and amend, just, fair, reasonable, minimum, maximum, or minimum and maximum, rates, charges, classifications, rules, and regulations for all "common carriers"; regulate the accounts, service, and safety of operations thereof; require the filing of reports and other data thereby; and supervise and regulate all "common carriers" in all other matters affecting their relationship with competing carriers of every

kind and the shipping and general public: *Provided*, The commission may by order approve rates filed by common carriers in respect to certain designated commodities and services when, in the opinion of the commission, it is impractical for the commission to make, fix, or prescribe rates covering such commodities and services.

SEC. 6. Section 4, chapter 264, Laws of 1947 and RCW 81.80.150 are each amended to read as follows:

RCW 81.80.150 amended.

The commission shall make, fix, construct, compile, promulgate, publish, and distribute tariffs containing compilations of rates, charges, classifications, rules, and regulations to be used by all common carriers. In compiling such tariffs it shall include within any given tariff compilation such carriers, groups of carriers, commodities, or geographical areas as it determines shall be in the public interest. Such compilations and publications may be made by the commission by compiling the rates, charges, classifications, rules, and regulations now in effect, and as they may be amended and altered from time to time after notice and hearing, by issuing and distributing revised pages or supplements to such tariffs or reissues thereof in accordance with the orders of the commission: *Provided*, That the commission, upon good cause shown, may establish temporary rates, charges, or classification changes to be made permanent, however, only after notice and hearing. The proper tariff, or tariffs, applicable to a carrier's operations shall be available to the public at each agency and office of all common carriers operating within this state. Such compilations and publications shall be sold by the commission for not to exceed five dollars for each tariff. Corrections to such publications shall be furnished to all subscribers to tariffs in the form of corrected pages to the tariffs, supple-

Tariffs to be compiled and sold by commission.

Proviso.

Motor freight carriers. Tariffs to be compiled and sold by commission.

ments or reissues thereof. In addition to the initial charge for each tariff, the commission shall charge an annual maintenance fee of not to exceed five dollars per tariff to cover the cost of issuing corrections or supplements and mailing them to subscribers: *Provided*, That copies may be furnished free to other regulatory bodies and departments of government and to colleges, schools, and libraries. All copies of the compilations, whether sold or given free, shall be issued and distributed under rules and regulations to be fixed by the commission: *Provided further*, That the commission may by order authorize common carriers to publish and file tariffs with the commission and be governed thereby in respect to certain designated commodities and services when, in the opinion of the commission, it is impractical for the commission to make, fix, construct, compile, publish and distribute tariffs covering such commodities and services.

Proviso.

Proviso.

RCW 81.80.320 amended.

SEC. 7. Section 8, chapter 79, Laws of 1955 and RCW 81.80.320 are each amended to read as follows:

Gross weight fees.

In addition to all other fees to be paid by him, every "common carrier" and "contract carrier" shall pay to the commission each year at the time of, in connection with, and before receiving his identification plates for each motor truck, trailer or semi-trailer owned or operated by him, based upon the maximum gross weight thereof as set by the carrier in his application for his regular license plates, the following fees:

Less than 4,000 pounds.....	\$7.00
4,000 pounds or more and less than 6,000 pounds.....	8.00
6,000 pounds or more and less than 8,000 pounds.....	9.00
8,000 pounds or more and less than 10,000 pounds.....	10.00
10,000 pounds or more and less	

than 12,000 pounds.....	11.00	Gross weight fees.
12,000 pounds or more and less than 14,000 pounds.....	12.00	
14,000 pounds or more and less than 16,000 pounds.....	13.00	
16,000 pounds or more and less than 18,000 pounds.....	14.00	
18,000 pounds or more and less than 20,000 pounds.....	15.00	
20,000 pounds or more and less than 22,000 pounds.....	16.00	
22,000 pounds or more and less than 24,000 pounds.....	17.00	
24,000 pounds or more and less than 26,000 pounds.....	18.00	
26,000 pounds or more and less than 28,000 pounds.....	19.00	
28,000 pounds or more and less than 30,000 pounds.....	20.00	
30,000 pounds or more and less than 32,000 pounds.....	21.00	
32,000 pounds or more and less than 34,000 pounds.....	22.00	
34,000 pounds or more and less than 36,000 pounds.....	23.00	

It is the intent of the legislature that the fees collected under the provisions of this chapter shall reasonably approximate the cost of supervising and regulating motor carriers subject thereto, and to that end the public service commission is authorized to decrease the schedule of fees provided in this section by general order entered before November 1st of any year in which it determines that the moneys then in the motor carrier account of the public service revolving fund and the fees currently to be paid will exceed the reasonable cost of supervising and regulating such carriers during the next succeeding calendar year. Whenever the cost ac-

Motor freight carriers.
Gross weight fees.

counting records of the commission indicate that the schedule of fees as previously reduced should be increased such increase, not in any event to exceed the schedule set forth in this section, may be effected by a similar general order entered before November 1st. Any decrease or increase of gross weight fees as herein authorized, shall be made on a proportional basis as applied to the various classifications of equipment.

All fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be by it transmitted to the state treasurer within thirty days to be deposited to the credit of the public service revolving fund.

RCW 81.80.355 amended.

SEC. 8. Section 22, chapter 95, Laws of 1953 and RCW 81.80.355 are each amended to read as follows:

Unlawful advertising
—Penalty.

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, advertises the transportation of property for compensation shall be guilty of a misdemeanor and punishable as such.

Repeal.

SEC. 9. Section 13, chapter 184, Laws of 1935 and RCW 81.80.160 are each repealed.

Severability.

SEC. 10. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 4, 1957.

Passed the House March 11, 1957.

Approved by the Governor March 22, 1957.