

government and its existing public institutions, and shall take effect immediately.

Passed the House February 11, 1981.

Passed the Senate February 25, 1981.

Approved by the Governor March 5, 1981.

Filed in Office of Secretary of State March 5, 1981.

CHAPTER 13

[Substitute House Bill No. 118]

STORAGE WAREHOUSEMEN, WHARFINGERS AND WAREHOUSEMEN— DEREGULATION

AN ACT Relating to warehousemen; amending section 7-204, chapter 157, Laws of 1965 ex. sess. and RCW 62A.7-204; amending section 81.04.010, chapter 14, Laws of 1961 and RCW 81.04.010; amending section 81.08.010, chapter 14, Laws of 1961 as amended by section 3, chapter 105, Laws of 1965 ex. sess. and RCW 81.08.010; amending section 81.12.010, chapter 14, Laws of 1961 as last amended by section 4, chapter 210, Laws of 1969 ex. sess. and RCW 81.12.010; amending section 81.24.030, chapter 14, Laws of 1961 and RCW 81.24.030; repealing section 81.24.040, chapter 14, Laws of 1961 and RCW 81.24.040; repealing section 81.92.010 through 81.92.100, chapter 14, Laws of 1961 and RCW 81.92.010 through 81.92.100; repealing section 81.92.110, chapter 14, Laws of 1961, section 1, chapter 13, Laws of 1972 ex. sess. and RCW 81.92.110; repealing section 81.92.120 through 81.92.140, chapter 14, Laws of 1961 and RCW 81.92.120 through 81.92.140; repealing section 81.92.150, chapter 14, Laws of 1961, section 39, chapter 199, Laws of 1969 ex. sess. and RCW 81.92.150; repealing section 81.92.160, chapter 14, Laws of 1961 and RCW 81.92.160; repealing section 81.94.010 through 81.94.050, chapter 14, Laws of 1961 and RCW 81.94.010 through 81.94.050; repealing section 81.94.060, chapter 14, Laws of 1961, section 118, chapter 154, Laws of 1973 1st ex. sess. and RCW 81.94.060; repealing section 81.94.070 through 81.94.110, chapter 14, Laws of 1961 and RCW 81.94.070 through 81.94.110; and repealing section 81.94.130, chapter 14, Laws of 1961 and RCW 81.94.130.

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

Section 1. Section 7-204, chapter 157, Laws of 1965 ex. sess. and RCW 62A.7-204 are each amended to read as follows:

(1) A warehouseman is liable for damages for loss of or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful man would exercise under like circumstances but unless otherwise agreed he is not liable for damages which could not have been avoided by the exercise of such care.

(2) Damages may be limited by a term in the warehouse receipt or storage agreement limiting the amount of liability in case of loss or damage, and setting forth a specific liability per article or item, or value per unit of weight, beyond which the warehouseman shall not be liable; provided, however, that such liability may on written request of the bailor at the time of signing such storage agreement or within a reasonable time after receipt of the warehouse receipt be increased on part or all of the goods thereunder, in

which event increased rates may be charged based on such increased valuation, but that no such increase shall be permitted contrary to a lawful limitation of liability contained in the warehouseman's tariff, if any. No such limitation is effective with respect to the warehouseman's liability for conversion to his own use.

(3) Reasonable provisions as to the time and manner of presenting claims and instituting actions based on the bailment may be included in the warehouse receipt or tariff.

(4) This section does not impair or repeal the duties of care or liabilities or penalties for breach thereof as provided in chapters 22.09((;-)) and 22.32(~~(;- 81-92, and 81-94)~~) RCW.

Sec. 2. Section 81.04.010, chapter 14, Laws of 1961 and RCW 81.04.010 are each amended to read as follows:

As used in this title, unless specially defined otherwise or unless the context indicates otherwise:

"Commission" means the utilities and transportation commission.

"Commissioner" means one of the members of such commission.

"Corporation" includes a corporation, company, association or joint stock association.

"Person" includes an individual, a firm or copartnership.

"Street railroad" includes every railroad by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for hire, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place within any one city or town, and includes all equipment, switches, spurs, tracks, bridges, right of trackage, subways, tunnels, stations, terminals and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such street railroad, within this state.

"Street railroad company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town, owning, controlling, operating or managing any street railroad or any cars or other equipment used thereon or in connection therewith within this state.

"Railroad" includes every railroad, other than street railroad, by whatsoever power operated for public use in the conveyance of persons or property for hire, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such railroad.

"Railroad company" includes every corporation, company, association, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling or managing any railroad or any cars or other equipment used thereon or in connection therewith within this state.

"Express company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, who shall engage in or transact the business of carrying any freight, merchandise or property for hire on the line of any common carrier operated in this state.

"Common carrier" includes all railroads, railroad companies, street railroads, street railroad companies, steamboat companies, express companies, car companies, sleeping car companies, freight companies, freight line companies, and every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town, owning, operating, managing or controlling any such agency for public use in the conveyance of persons or property for hire within this state.

"Vessel" includes every species of watercraft, by whatsoever power operated, for public use in the conveyance of persons or property for hire over and upon the waters within this state, excepting all towboats, tugs, scows, barges, and lighters, and excepting rowboats and sailing boats under twenty gross tons burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha or electric motors.

"Steamboat company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers, appointed by any court whatsoever, owning, controlling, leasing, operating or managing any vessel over and upon the waters of this state.

"Transportation of property" includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage and handling of the property transported, and the transmission of credit.

"Transportation of persons" includes any service in connection with the receiving, carriage and delivery of the person transported and his baggage and all facilities used, or necessary to be used in connection with the safety, comfort and convenience of the person transported.

"Public service company" includes every common carrier(~~(, wharfinger and warehouseman)~~).

The term "service" is used in this title in its broadest and most inclusive sense.

Sec. 3. Section 81.08.010, chapter 14, Laws of 1961 as amended by section 3, chapter 105, Laws of 1965 ex. sess. and RCW 81.08.010 are each 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 utilities and transportation commission under the provisions of this title: 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 (~~or any "storage warehouse", "storage warehouseman" or "warehouseman" as those terms are defined in RCW 81.92.010~~) or any "garbage and refuse collection company" subject to the provisions of chapter 81.77 RCW.

Sec. 4. Section 81.12.010, chapter 14, Laws of 1961 as last amended by section 4, chapter 210, Laws of 1969 ex. sess. and RCW 81.12.010 are each 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 utilities and transportation commission under the provisions of this title: 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 RCW or garbage and refuse collection companies subject to the provisions of chapter 81.77 RCW (~~or storage warehousemen subject to the provisions of chapter 81.92 RCW or wharfingers and warehousemen subject to the provisions of chapter 81.94 RCW~~): PROVIDED FURTHER, That nothing contained in this chapter shall relieve public service companies from the necessity for compliance with the provisions of RCW 81.80.270.

Sec. 5. Section 81.24.030, chapter 14, Laws of 1961 and RCW 81.24.030 are each amended to read as follows:

Every steamboat company (~~and every wharfinger or warehouseman~~) shall, on or before the first day of April of each year, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee of two-fifths of one percent of the amount of gross operating revenue: PROVIDED, That the fee so paid shall in no case be less than five dollars. The percentage rate of gross operating revenue to be paid in any year may be decreased by the commission by general order entered before March 1st of such year.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

- (1) Section 81.24.040, chapter 14, Laws of 1961 and RCW 81.24.040;
- (2) Section 81.92.010 through 81.92.100, chapter 14, Laws of 1961 and RCW 81.92.010 through 81.92.100;
- (3) Section 81.92.110, chapter 14, Laws of 1961, section 1, chapter 13, Laws of 1972 ex. sess. and RCW 81.92.110;
- (4) Section 81.92.120 through 81.92.140, chapter 14, Laws of 1961 and RCW 81.92.120 through 81.92.140;

(5) Section 81.92.150, chapter 14, Laws of 1961, section 39, chapter 199, Laws of 1969 ex. sess. and RCW 81.92.150;

(6) Section 81.92.160, chapter 14, Laws of 1961 and RCW 81.92.160;

(7) Section 81.94.010 through 81.94.050, chapter 14, Laws of 1961 and RCW 81.94.010 through 81.94.050;

(8) Section 81.94.060, chapter 14, Laws of 1961, section 118, chapter 154, Laws of 1973 1st ex. sess. and RCW 81.94.060;

(9) Section 81.94.070 through 81.94.110, chapter 14, Laws of 1961 and RCW 81.94.070 through 81.94.110; and

(10) Section 81.94.130, chapter 14, Laws of 1961 and RCW 81.94.130.

Passed the House February 18, 1981.

Passed the Senate February 24, 1981.

Approved by the Governor March 6, 1981.

Filed in Office of Secretary of State March 6, 1981.

CHAPTER 14

[Engrossed Substitute Senate Bill No. 3041]

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL—STATE'S MEMBERS

AN ACT Relating to electric power and conservation planning; adding a new chapter to Title 43 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. The state of Washington agrees to participate in the Pacific Northwest Electric Power and Conservation Planning Council pursuant to the Pacific Northwest Electric Power Planning and Conservation Act.

NEW SECTION. Sec. 2. As used in this chapter:

(1) The term "the act" means the Pacific Northwest Electric Power Planning and Conservation Act.

(2) The term "council" means the Pacific Northwest Electric Power and Conservation Planning Council.

NEW SECTION. Sec. 3. The governor, with the consent of the senate, shall appoint two residents of Washington state to the council pursuant to the act. These persons shall undertake the functions and duties of members of the council as specified in the act and in appropriate state law. Upon appointment by the governor to the council, the nominee shall make available to the senate such disclosure information as is requested for the confirmation process, including that required in RCW 42.17.240.

NEW SECTION. Sec. 4. (1) Unless removed at the governor's pleasure, council members shall serve a term ending January 15 of the third year following appointment except that, with respect to members initially appointed, the governor shall designate one member to serve a term ending