

provide for the rehabilitation of nondisabled persons as defined in section 2 of this act.

SEC. 8. If any clause, sentence, or section of this act shall be held ineffective or unconstitutional, such ineffective clause, sentence, or section shall not affect the constitutionality of the remaining portions of this act. Invalidity.

Passed the House March 2, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 381.

[H. B. 605.]

MOTOR VEHICLES—HIGHWAY USER TAX STRUCTURE.

AN ACT relating to motor vehicles; providing for proportional payment of certain fees and taxes in respect to vehicles traveling in more than one state or jurisdiction; creating a reciprocity commission to control and arrange relationships with other states pertinent to the movement of vehicles between and among the states; and repealing section 1, chapter 130, Laws of 1949 and RCW 46.16.300 and declaring an emergency.

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

SECTION 1. The legislature adopts the principle that each state or jurisdiction should have the freedom to develop the kind of highway user tax structure that it determines to be most appropriate, but the method of taxation of interstate vehicles should not be a determining factor in developing a user tax structure. In order to encourage the free flow of commerce, and for the purpose of developing equitable methods for the taxation of motor vehicles which travel extensively in more than one state or jurisdiction, taxes, or other charges of the fixed fee type, should be apportioned among the states or jurisdic-

Legislative principle—highway user tax structure.

tions within the limits of practicality on the basis of vehicle miles traveled within each of the states.

Fleets of four or more vehicles operating; registration and license procedure.

SEC. 2. Any owner or person entitled to the possession or right to operate vehicles, engaged in operating fleets of four or more vehicles in this state may, in lieu of registration of such vehicles under the provisions of chapter 46.16 RCW, and payment of excise taxes or fees imposed by chapter 82.44 RCW and RCW 81.80.320, register and license each such fleet for operation in this state by filing a sworn statement with the department of licenses declaring the total mileage operated with each such fleet of vehicles in all jurisdictions prorating under agreement with this state, or in other jurisdictions as declared by the reciprocity commission pursuant to section 9 of this act, and the total mileage operated in this state during the preceding calendar year with each such fleet and describing and identifying each vehicle in each fleet to be operated in this state during the ensuing license year. Such statements shall also designate a sufficient number of certain vehicles in each fleet to be registered and licensed under chapter 46.16 RCW, to produce total fee payments not less than an amount obtained by applying the proportion of in-state fleet miles to total fleet miles, as reported in said statement to the amounts respectively which would otherwise be required under said chapter 46.16 RCW, chapter 82.44 RCW, and RCW 81.80.320, for complete licensing and registration of such fleet in this state. The department shall transmit the amounts of fees and taxes collected under the provisions of this act pursuant to the provisions of chapter 46.16 RCW, chapter 82.44 RCW and RCW 81.80.320 to the state treasurer, who shall deposit the same in the funds designated by the provisions of said acts. The departments shall thereupon register and issue a license plate or plates for such designated vehicles and shall issue distinctive stickers or other

Minimum total fees

Fees and taxes transmitted.

Issuance of plates and stickers.

suitable devices for each other vehicle named in said statement identifying it as an interstate fleet vehicle, which shall be exempt from all further license, weight fee, motor freight carrier gross weight fee and motor vehicle excise requirements of this state for any type of movement or operation: *Provided*, That each of such other vehicles is properly and duly licensed and registered in some other state, district, possession or territory of the United States or some foreign province, state or country. A fee of two dollars shall be paid for each such sticker or device issued. The proportional registration and licensing provisions of this section shall apply to vehicles added to said fleet and operated in this state during the license year. Nonresidents shall be entitled to proportional registration hereunder unless the terms and conditions of any reciprocity agreement, arrangement, or declaration filed in the office of the director of licenses under the provisions of this act require otherwise.

Qualification.

Sticker fee.

Additions to fleet during license year.

Nonresidents.

SEC. 3. Mileage proportions for such interstate fleets not operated in this state during the preceding year shall be determined by the department upon sworn application on forms to be supplied by the department, upon request, which will show the operations of the preceding year in other states and the estimated operation in this state. If no operations were conducted the previous year, a full statement of the proposed method of operation shall accompany said application.

Mileage proportions determined.

Sworn application.

SEC. 4. Any owner or person complying with the provisions of this section shall preserve the records on which the application is based for a period of four full years following the year upon which said application is based, and such applicant shall agree to make such records available to the department at its request and at its designated office for audit as to accuracy of computation and payments, or to pay the

Records preserved.

Availability of records.

costs of an audit by the department or its duly appointed representative at the applicant's home office. If the department determines that the applicant should have registered more vehicles in this state under the provisions of this act, the department may deny him the right of any further benefits by reason of any reciprocal agreement or declaration until the fees for such additional vehicle or vehicles, which should have been registered, have been paid. The fees determined to be due and owing under the provisions of this paragraph shall be a lien upon all the property of the applicant, and such lien shall attach at the time the audit report has been mailed to such applicant by the department, and shall have the effect of an execution duly levied on such property and shall so remain until said additional fees, so determined, are paid, or a sufficient amount of such property sold for the payment thereof.

Denial of further benefits.

Lien; attachment of.

Reciprocity commission created; membership.

SEC. 5. The reciprocity commission, hereby created, shall consist of the director of licenses, the chairman of the state tax commission, the chairman of the public service commission, the chairman of the highway commission and the chief of the Washington state patrol, or their duly designated representatives. Members of the western interstate highway policy committee from the state of Washington shall be advisory members of the reciprocity commission, and may attend meetings and conferences of the commission in such capacity, but shall not vote as members thereof.

Advisory members.

Administrator of commission's agreements.

The director of licenses, herein called the department, shall be charged with the administration of the commission's agreements, arrangements, declarations, rules and regulations.

Reciprocity commission powers.

SEC. 6. The reciprocity commission shall have the power to enter into agreements or arrangements with duly authorized representatives of other states, the District of Columbia, territories or possessions

of the United States and foreign states, provinces or countries granting exemption to owners or persons entitled to the possession of or right to operate vehicles of any type required to be registered in this state which are properly registered or licensed in such jurisdictions, and upon which evidence of registration is conspicuously displayed, from the payment wholly or partially, of any taxes, fees or other charges imposed under the laws of this state, except gallowage taxes on motor fuels. Such agreements or arrangements shall contain provisions by which owners or persons entitled to the possession of or right to operate any such vehicles registered or licensed in this state who operate vehicles of the same type upon the highways of such other states, the District of Columbia, territories or possessions of the United States and foreign states, provinces or countries, may receive substantially equivalent exemptions, benefits and privileges, under terms and conditions which, in the commission's judgment, are best calculated to promote the interests of this state, as are extended to such persons or owners of vehicles of the same type from such jurisdictions in this state.

Agreement or arrangement provisions.

SEC. 7. Agreements or arrangements entered into by the commission herein created may contain provisions authorizing an owner or owners or persons entitled to the possession of or right to operate such vehicles who are residents of one of the states, or the district, or territories or possessions of the United States or foreign states, provinces or countries which is a party thereto to register or license such vehicles in another jurisdiction which is a party thereto. Vehicles validly registered or licensed in one of such jurisdictions under such provision shall be exempt from registration or licensing requirements in the other jurisdiction or jurisdictions which are parties thereto and shall be entitled to all exemptions, benefits and privileges granted with respect to other

Exemption of vehicles validly registered or licensed in another jurisdiction.

vehicles validly registered or licensed in such jurisdiction.

SEC. 8. Agreements or arrangements entered into by the commission herein created may contain provisions denying the exemptions, benefits and privileges granted thereunder to any person who violates conditions stated therein or who violates rules and regulations for the administration of reciprocal exemptions, benefits and privileges issued by the reciprocity commission.

SEC. 9. The reciprocity commission is authorized to examine the legal requirements of motor vehicle registration, license and weight fee statutes of jurisdictions which grant reciprocal privileges to out of state owners or persons but which do not authorize negotiation or execution of agreements by administrative officials, and it is authorized to determine, by such examination, and to declare the extent and nature of the reciprocal exemptions, benefits and privileges to which owners of such vehicles or other persons from such jurisdictions shall be entitled under the laws of this state.

Agreements, arrangements, rules and regulations under act; requirements.

SEC. 10. All agreements, arrangements, declarations and rules and regulations authorized by this act shall be in writing and shall be approved as to legality only, by endorsement by the attorney general, at which time they will become effective. Original copies of such agreements, arrangements, declarations and rules and regulations shall be filed in the office of the director of licenses, who shall make copies available to the public upon request. Upon becoming effective, they shall supersede the provisions of RCW 46.16.030 to the extent that they are inconsistent therewith.

Repeal.

SEC. 11. Section 1, chapter 130, Laws of 1949 and RCW 46.16.300 are each repealed.

SEC. 12. This act is necessary for the immediate Emergency. preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 9, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 382.

[Sub. H. B. 449.]

MUNICIPAL FIREMEN RELIEF AND PENSION SYSTEM.

AN ACT relating to firemen of cities and towns; creating a relief and pension system for certain firemen and providing for pensions, benefits and allowances thereunder; providing for the maintenance of and contributions and payments to municipal firemen's pension funds; providing for the distribution of and payments from such funds; and defining terms and prescribing powers and duties of certain officers and individuals.

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

SECTION 1. For the purpose of this act, unless Definitions. clearly indicated otherwise by the context, words and phrases shall have the meaning hereinafter ascribed.

(1) The words "board", "contributions", "disability", "fire department", "firemen's pension fund", "fund", "municipality", and "performance of duty", shall have the meaning set forth in section 1, chapter 91, Laws of 1947 (RCW 41.16.010). Miscellaneous terms.

(2) "Fireman" means any person hereafter regularly or temporarily, or as a substitute newly employed and paid as a member of a fire department, who has passed a civil service examination for fireman and who is actively employed as a fireman; and any person heretofore regularly or temporarily, or as a substitute, employed and paid as a member of a "Fireman."