

warehouse is situated, by the prosecuting attorney of such county, upon the complaint of the director of agriculture.

Passed the Senate February 11, 1933.

Passed the House March 8, 1933.

Approved by the Governor March 21, 1933.

CHAPTER 187.

[S. B. 221.]

PUBLIC WAREHOUSES.

AN ACT relating to public warehouses and warehousemen handling, storing and shipping grain, hay and other commodities; providing for and fixing the liability of warehousemen and/or of surety bonds; fixing fees; creating a special fund, and providing for revenues therefor and disbursements therefrom; regulating the printing and issuance of negotiable warehouse receipts; defining the powers and duties of the director of agriculture; requiring certain reports from warehousemen; and amending section 22 of chapter 189 of the Laws of 1919, as amended by section 4 of chapter 145 of the Laws of 1921, as amended by section 4 of chapter 46 of the Laws of 1931, and amending section 24 of chapter 189 of the Laws of 1919 as amended by section 1 of chapter 70 of the Extraordinary Session of 1925, as amended by section 6 of chapter 46 of the Laws of 1931.

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

SECTION 1. That section 22 of chapter 189 of the Laws of 1919, as amended by section 4 of chapter 145 of the Laws of 1921 (section 7000 of Rem. Comp. Stat. 1927 Sup.), as amended by section 4 of chapter 46 of the Laws of 1931, be amended to read as follows:

Section 22. Every public warehouseman shall receive for storage and shipment, so far as the

Amends
§ 22, Ch. 189,
Laws of
1919; § 4,
Ch. 145,
Laws of
1921; § 4,
Ch. 46, Laws
of 1931.

Acceptance of goods.

Special piles.

Receipt, form of.

capacity of his warehouse will permit, all grain, hay and any commodity included in the provisions of this act, in a warehouse for this purpose, in suitable condition for storage, tendered him in the usual course of business, without discrimination of any kind. A warehouse receipt in form prescribed by law, consecutively numbered, shall be issued and delivered to the owner or his representative immediately upon receipt of each load or parcel of grain, hay or other commodity, as he may demand, giving the true and correct grade and weight thereof: *Provided*, That upon the request of the owner, grain, hay or other commodity shall be put in a special pile without grading, and if grain, hay or other commodity have been wet or damaged it shall be received and piled in a special pile with a distinguishing mark, which shall be shown on the receipt for the same and given for the number of sacks only, or bales. The failure to issue receipts as above and/or hereinafter required, shall be subject to a penalty, as hereinafter provided. Each negotiable warehouse receipt shall be in the following form, and substantially the following style:

ORIGINAL NEGOTIABLE WAREHOUSE RECEIPT.

No.

(Name of individual, co-partnership, association or corporation operating the warehouse)

State No. License No.
, Wash.,, 19.....
 (Location of the Warehouse) (Date of Issue)

THIS IS TO CERTIFY that we have received and hold in storage
 the following described commodity in ^{general} special pile or bin for the
 account of or order.
 (Name of Depositor)

Loss or damage by fire, the elements, or any other causes unavoidable and beyond our control at owner's risk.

If stored in general pile or bin we hold the right to co-mingle this commodity with other commodities of the same sub-class,

and the right to a monetary adjustment on the difference between the grade delivered and the grade shown on this receipt.

Sacks Bales Bulk	Variety Said To Be	Test	Gross Wt.	Advances
			Sack Tare	\$
Foul	Percent of Dockage	Smut	Net Weight	Int. from at % per annum
Condition of grain			Bushels	Condition of sacks

Said specially piled or binned commodity, or said quantity of co-mingled commodity, to be delivered or shipped only upon payment of all charges against same and return of this receipt properly endorsed to the office of this company at Washington.

Commodity covered by this receipt subject to the following charges: Handling at the rate of \$..... per ton. Storage at the rate of cents per ton per month or fractional part thereof. Bulking sacked grain from warehouse to car cents per ton. Storage charges to begin within days following the date of this receipt. Storage and handling charges to be due and payable on the first day of July following date of this receipt. Sacks, twine and labor used for resacking specially piled commodity must be furnished by, or at the expense of, the owner. Ten cents per ton in addition to handling and storage charges will be charged for weighing commodities if such weighing is requested by the owner. Partial deliveries of specially stored commodities will be made by weight without regard to number of sacks or bales. Outturn weights and grades to govern deliveries of specially stored wet and/or damaged commodities. Grades herein for specially stored commodities for memorandum purposes only.

The rate of storage herein mentioned is a special rate based upon release of all claims for loss, damage or injury not due to warehouseman's negligence. Warehouseman will for an additional charge accept responsibility for loss or damage by fire, but no such responsibility attaches to this contract unless endorsed hereon by warehouseman. The warehouse where this grain is stored is located upon lands leased from the railway company. The lease contains a provision that the railway company shall in no event be liable for loss or damage to the contents of said warehouse, by fire or otherwise, even though caused by negligence or

misconduct of railway employees or by defective appliances. Such provision is by the acceptance of this receipt expressly ratified and assented to by the depositor, and all claims against the railway company upon whose land the warehouse is situated, or by which company side track facilities are furnished, for loss or damage are by the acceptance of this receipt specifically waived by the depositor.

(Name of individual, co-partnership, association or corporation operating the warehouse.)

By.....

Federal warehouse act.

Provided, That it shall be lawful for any warehouseman operating under the federal warehouse act to use warehouse receipts authorized to be used by such act, and in the use of such receipts shall be bound by the provisions of said act and receipts issued thereunder.

Issuing of receipt forms.

It shall be the duty of the director of agriculture, on or before the first day of June in each year, and at such other times as may be necessary, to cause to be printed, bound and delivered, by contract in the manner hereinafter set forth, to each person, firm, association of persons, or corporation operating a public warehouse for the handling, storage and shipment of grain, hay and other commodities in this state, a sufficient number of blank forms of negotiable warehouse receipts in the form above prescribed, required to carry on the business of such warehouse for the ensuing license year, beginning July 1st of such year. All such receipts required by all such warehouses in the state shall bear a serial number in one series, beginning with number "one" for each license year.

Bids for printing.

Before entering into any contract for the printing of said forms, it shall be the duty of the director of agriculture to advertise for bids once each week for three successive weeks in a newspaper published at the county seat of Thurston county in the State of Washington, and, if he deems it advisable, in such other newspaper or newspapers as he shall determine, for the printing, binding and delivering

of said blank negotiable warehouse receipts in the manner and form specified by the director of agriculture. Such publication shall be commenced in sufficient time so as to allow for the submission of all such bids and the awarding of the contract on or before the 1st day of April in each year. The director of agriculture shall award the contract to the lowest responsible bidder, save that he shall have the right to reject any and all bids; and the director of agriculture shall execute the contract on behalf of the state.

Before entering into any such contract, the director of agriculture shall require a bond to the State of Washington, with surety to be approved by the director of agriculture, in the full amount of the contract, conditioned that the party thereto will perform the work upon the terms and within the times set forth in and in accordance with the contract and the requirements of the director of agriculture, and that such party will indemnify the state against any direct or indirect damages that shall be suffered or claimed as a result of the improper or negligent printing, binding or delivering of the forms required by the contract. Each bid shall be accompanied by a certified check in a sum equal to five per cent of the amount of such bid, payable to the state treasurer of Washington, which shall be forfeited to the state upon the failure of the party, for a period of five days after any contract is awarded to any such party, to enter into a proper contract and furnish satisfactory bonds as required herein.

Bond of
printer.

The contract shall provide that the printing and binding of said forms shall be done on or before the 1st day of June in each year and forthwith at such other times as may be necessary in accordance with the requisitions of the director of agriculture; that said forms shall be forwarded by the

Contract,
require-
ments.

printer to the director of agriculture; that the printer shall only print, bind or deliver said forms upon proper requisition of the director of agriculture specifying the number of forms to be printed and bound; that all of said work shall be done within the State of Washington; and that payments on the contract shall be made monthly by the state treasurer in accordance with the bills submitted by the printer to the director of agriculture, countersigned and approved by him, and forwarded to the state treasurer for payment.

Public
printer.

The public printer for the State of Washington may submit a bid as herein required, but it shall not be necessary for said printer to post any bonds or certified checks as is required herein: *Provided*, That the bond posted by the public printer, as required by law, shall be in lieu of any bond required herein.

Violation.

Any person, firm, association of persons, or corporation, or any agent or servant of such person, firm, association of persons, or corporation, or any officer of such corporation who prints, binds or delivers such forms, except as herein provided and except by the authority of the director of agriculture, or who uses such forms knowing that they were not so printed, bound or delivered shall be guilty of a gross misdemeanor.

Filing of
requisition
for forms.

Every person, firm, association of persons, or corporation intending to operate a public warehouse, or warehouses, for the handling, storage and shipment of grain, hay and other commodities during the ensuing license year, beginning the first day of July shall, on or before the first day of May of such year, file with the director of agriculture upon a form to be furnished by the director for that purpose a requisition for such number of blank forms of negotiable warehouse receipts as may be required for the operation of such warehouse or warehouses

during the ensuing license year, specifying: (a) the name of the person, firm, association of persons, or corporation, intending to operate such warehouse or warehouses; (b) the state number of the warehouse, or the respective state numbers of the warehouses, intended to be operated; (c) the respective quantities of blank forms of receipts required for each warehouse; (d) the place where each such warehouse, respectively, is located; (e) the location of the principal place of business of the person, firm, association of persons, or corporation operating such warehouse or warehouses; (f) the rate of handling and storage charges at such warehouse, or each of such warehouses respectively; (g) whether such blank form of receipts shall be printed and bound in duplicate, triplicate, or quadruplicate; (h) whether it is desired to have printed with and attached to, with or without perforations, load checks and the form thereof; and (i) the number of such blank forms of receipts which the applicant desires to have bound in such book; and such other information as may be required by the director of agriculture, specified in the blank form of requisition; and shall accompany such requisition with a United States post office money order, or certified bank check, payable to the state treasurer of Washington, for the amount of charges required for the filing of such requisition at the rates specified in the blank form of requisition, which rates shall not be more than the total cost, to the director of agriculture, of the printing, binding and delivering of said forms to the warehouseman. And every such warehouseman may file requisitions for additional blank warehouse receipts from time to time as he may require.

SEC. 2. That section 24 of chapter 189 of the Laws of 1919, as amended by section 1 of chapter 70 of the Laws of the Extraordinary Session of 1925

Amends
§ 24, Ch. 189,
Laws of
1919; § 1,
Ch. 70, Ex.
Laws of
1925; § 6, Ch.
46, Laws of
1931.

(section 7002 of Remington's Compiled Statutes, 1927 Supplement), as amended by section 6 of chapter 46 of the Laws of 1931, be amended to read as follows:

Report of
warehouse-
man.

Section 24. On or before the fifteenth day of July of each year every warehouseman licensed under this act shall make a report, under oath, to the director of agriculture, on blanks or forms prepared by him, showing the total number of sacks and weight of each kind of grain and other commodities, and bales and weight of hay, received and shipped from each warehouse licensed under this act during the preceding license year; and also the amount of outstanding negotiable warehouse receipts on the thirtieth day of June preceding, and a statement of the amount of grain, hay and other commodities on hand on said date to cover the same. On or before the first day of August of each year every such warehouseman shall make a report, under oath, to the director of agriculture, on blanks or forms prepared by him, showing in detail the capital assets, capital liabilities, the operating revenues, and the operating expenses of his warehouse business for the preceding license year, and such other financial information as the director may require. And whenever the director of agriculture shall determine that a bond approved by him, as in this act provided, is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this act, and unless the same be given within the time fixed by a written demand therefor, the license of such warehouseman may be suspended or revoked. The director of agriculture may also require special reports from each such warehouseman at such times as the director may deem expedient. The director of agriculture shall cause every such warehouse and

Additional
bond.

the business thereof and the mode of conducting the same to be inspected at least once in each six months' period of each license year, and as often as he may deem necessary, and the property, books, records, accounts, papers and proceedings of every such warehouseman shall at all times during business hours be subject to such inspection. The director of agriculture shall, upon the request of any holder of a negotiable warehouse receipt, issued by any such warehouseman, and the payment of the fee of one dollar (\$1.00) report to such holder whether the warehouse issuing such receipt had sufficient commodities of the kind mentioned in said receipt, on hand to cover all outstanding receipts as shown by the last previous inspection, and the director of agriculture shall, upon like request, and the payment of a fee of twenty-five dollars (\$25.00) cause a special inspection of such warehouse to be made within ten days after the receipt of such request and fee, and make a like report of the condition of such warehouse at the date of such special inspection. The director of agriculture shall have power and it shall be his duty, to exercise all the powers and perform all the duties, now vested in or required to be performed by the director of public works with respect to all public and terminal grain warehouses.

Inspection.

Report to
receipt
holder.Director of
Agriculture.

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Passed the House March 8, 1933.

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