

CHAPTER 189.

[S. B. 173.]

INSPECTION, WEIGHING AND GRADING OF GRAIN, HAY
AND OTHER PRODUCTS.

AN ACT for the prevention of fraud in the grain and hay trade and trade in grain and hay products, peas, beans, rice, soya beans, peanuts, copra, jute, raw rubber and other similar articles, nitrates and other fertilizers, sulphur and other chemicals; for the establishment and preservation of standards for grain, hay, grain and hay products, peas, beans, rice, soya beans, peanuts, copra, jute, raw rubber and other similar articles, nitrates and other fertilizers, sulphur and other chemicals; regulating warehousemen, shippers and buyers of such commodities; defining the duties of railroads; regulating track and elevator scales and track connections with industries; providing penalties for the violation thereof and repealing Chapter 91 of the Laws of Washington of 1911, and declaring that this act shall take effect immediately.

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

SECTION 1. Definition.

The term public warehouse when used in this act, includes any elevator, mill, warehouse or structure in which grain, hay or peas are received from the public for storage, shipment or handling, whenever such grain, hay or peas are carried or intended to be carried to or from such warehouse, elevator, mill or structure by a common carrier.

Public
warehouse.

The term terminal warehouse, when used in this act, includes any public warehouse situate in Seattle, Tacoma, Spokane or other cities in the state which may be hereafter designated as inspection points.

Terminal
warehouse.

The term warehouseman when used in this act, includes any firm, person, company, corporation or association of persons owning, operating or controlling any public warehouse.

The term commission when used in this act means the Public Service Commission of Washington.

Duties of
Public Serv-
ice Commis-
sion.

SEC. 2. The commission shall exercise general supervision over the handling, weighing, inspecting and storage of grain, hay and peas and the inspection, grading and weighing of other commodities included in the provisions of this act and the regulation of public and terminal warehouses. Such commission shall investigate all complaints of fraud and injustice in the grain and hay trade and in the trade in the other commodities included in the provisions of this act, fix the charges of public and terminal warehouses and make all necessary rules and regulations for carrying out and enforcing the provisions of this act, and of all laws of the state relating to this subject.

Chief in-
spector.

SEC. 3. The commission, with the approval of the governor, shall appoint a Chief Inspector, who shall be thoroughly familiar with the grains, grain products and forage crops of Washington and who shall have had at least five years' experience in the handling of such products. He shall, before entering upon the duties of his office, give a surety company bond (the cost to be paid by the state) to the state of Washington in the sum of ten thousand dollars (\$10,000.00) to be approved by the commission and the attorney general, and conditioned upon the faithful discharge of his duties, and take the usual oath required of state officers. He shall receive such salary as the commission may determine upon, in no event to exceed twenty-five hundred dollars (\$2500.00) per annum, and necessary traveling expenses and shall reside at Tacoma.

Bond.

Salary.

Deputies,
appointment.

SEC. 4. The chief inspector, with the approval of the commission, shall appoint such number of deputies, inspectors, samplers and weighers, who shall be designated as inspectors, as may be necessary to properly and thoroughly inspect and weigh the commodities included in the provisions of this act, and such other employees as may be necessary.

One of such inspectors in each of the cities of Seattle, Tacoma and Spokane and such other cities as may be designated by the commission, shall be styled Chief Deputy Inspector. The chief deputy inspectors shall each give a surety company bond (the cost to be paid by the state) to the State of Washington in the sum of five thousand dollars (\$5,000.00) to be approved by the commission and the attorney general, conditioned upon the faithful discharge of their duties. Such chief deputies shall receive such salaries per annum as the commission may determine and necessary traveling expenses. Each of the other inspectors and bookkeepers shall give surety company bond (the cost to be paid by the state) to the State of Washington in the sum of three thousand dollars (\$3,000.00) to be approved by the commission and the attorney general, conditioned upon the faithful discharge of his duties; the inspectors and other employees shall receive such salaries as the commissioner may determine. The chief deputy inspector, inspectors, and other employees shall be required to take an oath to faithfully perform their duties.

Bonds, oath and compensation of deputies.

SEC. 5. All bonds provided for by this act shall be filed in the office of the secretary of state of Washington, and any person injured by official act or the neglect of duty of any such bonded employee, or by reason of neglect or failure of such bonded employee or warehouseman to comply with the provisions of this act or of the rules and regulations of the commission shall have a right of action upon such bond for the recovery of all damages suffered thereby.

Action upon bonds.

SEC. 6. No chief inspector, or other employee, shall, during his term of office, be interested, directly or indirectly, in the handling, storing, shipping, purchasing or selling of the commodities included in the provisions of this act.

Interest in commodities prohibited.

Offenses
under act.

SEC. 7. Any inspector who shall be guilty of any neglect of duty, or who shall knowingly or carelessly inspect, sample or weigh any commodity included within the provisions of this act improperly, or who shall, directly or indirectly, accept any money or other consideration for any neglect of duty or any improper performance of duty as such inspector, or any person, persons, corporation or agent who shall improperly influence or attempt to improperly influence any inspector in the performance of his duties as such inspector, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00) or imprisoned in the county jail not less than six months nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

Penalty.

State in-
spection and
weighing.

SEC. 8. The cities of Seattle, Tacoma and Spokane shall be provided with state inspection and weighing under this act. Such other cities and towns or districts where commodities included in the provisions of this act, are received or shipped by common carrier, and the shipments are such as would reasonably justify and render necessary the inspection and weighing thereof, may be designated by the commission as inspection points and be provided with state inspection and weighing: *Provided*, that the expenditure for the inspection and weighing at each of such points designated by the commission shall not exceed the receipts of the fees at such place.

Employees.

SEC. 9. All employees under this act may be removed at any time by the commission. They shall be paid in the same manner as other employees of the commission.

Warehouse
charges.

SEC. 10. All charges and regulations made by any public warehouse hereunder for the handling or storage of grain, hay and peas shall be just, fair and

reasonable; and the commission is hereby vested with power and authority upon the complaint of any person interested or upon its own motion, after a full hearing, to declare any existing charge for the handling or storage of grain, hay or peas or any regulation whatsoever affecting such charge, or the receipt, handling or storage, to be unreasonable or unjust, and to determine and order what shall be a just and reasonable charge or regulation to be imposed or enforced in place of that found to be unreasonable or unjust.

SEC. 11. All provisions of law relating to the method of procedure by the commission in fixing the rates to be charged by railroad companies for the transportation of freight and passengers and the review of the acts or orders of the commission with reference thereto, and the enforcement of such orders, shall, so far as the same are applicable, govern the procedure of such commission in regulating public or terminal warehouses, and the review and enforcement of the acts and orders of the commission under the provisions of this act.

Regulative
procedure of
commission.

SEC. 12. The commission shall within ninety days after this act becomes a law fix and establish standard grades to apply to all grain and hay, bought or handled by public or terminal warehouses in this state. The commission shall adopt as state grade standards all grades for grain and hay now or hereafter established by the United States Department of Agriculture. Standards for grain and hay not provided for by the United States Department of Agriculture shall be established or changed only after a public hearing, notice thereof to be given by publication in three newspapers of the state, at least ten days prior to such hearing. The commission may by resolution authorize the weighing and grading, upon request of any interested party, of commodities of commerce, other than grain or hay, such

Grain and
hay grade
standards.

Other
commodities.

Change of
grades.

as grain or hay products, rice, beans and other similar articles, nitrates and other fertilizers, sulphur and other chemicals used in the arts or in manufacturing, when same are received from or delivered to any rail or water carrier in the state in commercial transportation, and may authorize the certification of the weights and grades thereof. Fees for such service, sufficient to cover the cost thereof, shall be fixed by the commission. Grades may be established or changed by the commission and rules and regulations governing warehousemen be promulgated after a public hearing, notice thereof to be given by publication once each week for two successive weeks in at least three newspapers of general circulation in the state, two of which, at least, shall be in eastern Washington. All interested persons desiring to be heard shall be permitted to give testimony and such other witnesses may be subpoenaed as the commission may deem necessary, which witnesses shall be entitled to the same fees and mileage as are provided for witnesses in civil actions. The commission shall after such hearing, make and issue reasonable rules and regulations governing the dockage which shall be made on inferior grades and in all executory contracts thereafter entered into where the price or amount to be paid therefor depends upon terminal weight or grade, such rules and regulations shall control the dockage in so far as the same affects the price to be paid, and such rules and regulations shall become part of the contract of sale unless expressly agreed to the contrary in such executory contract.

Hearings.

Adoption of
of rules
and regulations.

Copies of
regulations.

It shall be the duty of the chief inspector, immediately after the establishment of grades for grain, hay, grain and hay products and peas, and the promulgation of rules and regulations fixing dockage, as herein provided, to supply each public and terminal warehouseman, which the records in his office

show is then or thereafter engaged in operating such warehouses, with a copy of such grades, rules and regulations. It shall be the duty of every public or terminal warehouseman to keep such copy on file in a convenient place in every such warehouse and, if an office is maintained in connection with such warehouse, a copy of such grades, rules and regulations shall be kept on file in such office and a placard notice posted in a conspicuous place in every such warehouse and such office, reading as follows:

“A COPY OF WASHINGTON GRADES, RULES
AND REGULATIONS IS ON FILE HERE
FOR INFORMATION OF INTER-
ESTED PARTIES.”

Every such warehouseman shall exhibit such copy of grades, rules and regulations to any interested party applying therefor at any such warehouse or office and permit such interested party to examine and consult such copy.

SEC. 13. The commission shall fix the fees for inspection, grading and weighing of the commodities included in the provisions of this act, which fees shall not exceed 6c a ton for sack grain, 4c a ton for bulk grain, and 12c a ton for hay. The fees for inspection, grading and weighing of such commodities shall be a lien upon such commodity so weighed, graded or/and inspected to be paid by the carrier transporting the same and treated by it as an advanced charge, except when the bill of lading contains the notation “Not for terminal weight and grade” and the commodity is not unloaded at a terminal warehouse. The commission shall so adjust the fees to be collected under this act as to meet the expenses necessary to carry out the provisions hereof, and may prescribe a different scale of fees for different localities. The commission may also prescribe a reasonable charge for service performed at places other

Fees and
charges.

than public terminal warehouses in addition to the regular fees when necessary to avoid rendering the service at a loss to the state. All moneys collected under the provisions of this act and all fines and penalties for violation thereof, shall be paid into the state treasury. The state auditor may anticipate the receipts and issue warrants to cover the same to any amount not exceeding fifteen thousand dollars (\$15,000.00).

Disposition
of fees and
fines.

Inspectors'
certificates
conclusive
except
on appeal.

Records
of inspec-
tion, etc.

Certificates
of inspec-
tion.

SEC. 14. The chief inspector, and inspectors, shall, at the places provided for state inspection under this act, have exclusive control of the weighing and grading of the commodities which shall be inspected under the provisions of this act and the action and certificates of such inspectors in the discharge of their duties, as to all commodities weighed or inspected by them, shall be conclusive upon all parties interested: *Provided, however,* an appeal may be taken to the commission, whose decision shall be final. Suitable books and records shall be kept in which shall be entered a faithful and true record of every carload, or cargo or part of cargo or commodities inspected or weighed by them, showing the number and initial or other designation of the vehicle or boat containing such carload, or cargo, or part of cargo, its weight, the kind of commodity, and its grade, and if graded below standard No. 1 grade, the reason for such grade, if of inferior grade, the amount of such dockage, the amount of fees and forfeitures and disposition of same, and for each vehicle or cargo, or part of cargo, of commodity inspected, they shall give a certificate of inspection showing the kind and grade of the same and the reason for all grades below No. 1, the amount to be allowed for dockage, if any, the number of sacks, bales or other parcels thereof, with the grade or grades and weight of

same, if requested to do so by consignor or consignee. They shall also furnish the agent of the railroad company, or other carrier over which such commodity was shipped or carried, a certificate showing the weight thereof, if requested to do so. They shall also keep a true record of all appeals, decisions and a complete record of every official act, which books and records shall be open to inspection by any party in interest.

SEC. 15. Upon written complaint filed with the commission charging any inspector with official misconduct, inefficiency, incompetency or neglect of duty, the commissioner shall investigate such charge, and if it be found sustained, shall remove such officer.

Misconduct
of inspectors.

SEC. 16. In case any owner, consignee or shipper of any commodity included in the provisions of this act, or his agent or broker, or any public or terminal warehouseman shall be aggrieved at the grading of such commodity, such aggrieved person may appeal to the commission from such decision within thirty days from the date of certificate by giving notice of appeal, and paying a fee to be fixed by the commission, which shall be refunded if the decision appealed is sustained. Such notice of appeal may be given by a letter or other written notice to the commission stating that such party appeals from the decision of the inspector and specifying the initials, number and designation of vehicle or the name of the ship in which such commodity was contained when inspected and graded.

Appeals
from in-
spector's
grading.

The party taking such appeal shall also file with the commission a list containing the names and addresses of all parties interested in the subject matter of the appeal. It shall be the duty of the commission, upon receiving such notice and list of interested parties, to immediately notify the parties

Notice to
parties in-
terested.

Hearings
and orders.

interested of the time and place designated by it for a hearing and at such time and place, which shall be within twenty days from the date of receiving such notice, hold a hearing and inquire into the reasonableness and correctness of such original grading and such evidence shall be received, as the parties thereto may desire to offer. After such hearing the commission shall make such order affirming or modifying the grade so established by the inspector as the facts may justify.

Inspection
and grading
for export.

SEC. 17. All grain and hay received at terminal warehouses shall be inspected and weighed by the inspector and when exported shall, if requested, be reinspected and graded in like manner and a certificate of grade issued, a reasonable fee to be charged for such reinspection, said fee to be fixed by the commission. All other grain and hay received in carload lots, or, when shipped by water in lots containing more than thirty tons of grain or twelve tons of hay at inspection points, not unloaded at a terminal warehouse, shall be weighed, inspected and graded, unless the bill of lading contains a notation "Not for terminal weight and grade."

When weigh-
ing omitted.

Bonds of
warehouse-
men.

SEC. 18. Each person, firm, corporation or association of persons operating any public warehouse or warehouses subject to the provisions of this act shall, on or before the first day of July of each year, give a surety bond to the State of Washington, in such sum as the commission may require, to be approved by the commission and the attorney general, conditioned upon the faithful performance of the acts and duties enjoined upon them by law, and every such person, firm, or corporation, association of persons shall, on or before July 1st of each year, procure from the commission a license for each such warehouse so owned or operated for the ensuing year before transacting business at such

Warehouse
licenses.

public warehouse or warehouses: *Provided*, That no such license shall be issued before the bond hereinbefore required shall have been given and approved. Such license shall be posted in a conspicuous place in the office of each warehouse. The fee for such license shall be two dollars (\$2.00) for each public warehouse, and the commission may revoke any such license for cause, upon notice and hearing. Any person, corporation or association operating any public or terminal warehouse in this state without a license shall forfeit to the state for each day's operation fifty dollars (\$50.00), the same to be recovered on action brought by the attorney general in the superior court of Thurston County, Washington, and further such operation may be enjoined upon complaint of the commission.

Penalty for operating without license.

SEC. 19. Every such warehouseman shall annually, during the first week in July, publish, by keeping posted in a conspicuous place in his warehouse, a schedule of storage rates for the ensuing year, and said rates shall not be increased during such period and no discrimination in rates shall be made by any such warehouseman. A copy of such schedule of rates shall be filed by the warehouseman with the chief inspector.

Schedule of storage rates.

SEC. 20. Every person having an interest in any grain, hay or peas stored in any such warehouse, and every inspector shall have the right to examine at all times, during ordinary business hours, any grain, hay or peas so stored, and all parts of such warehouse; and every warehouseman, his agents and servants, shall furnish proper facilities for such examination.

Examination and preferences of warehouses.

SEC. 21. If any public or terminal warehouseman subject to the provisions of this act, shall directly, or indirectly, by any special charge, rebate,

Discrimination and preferences prohibited.

drawback or other device, demand, collect or receive from any person or persons a greater or lesser compensation for any service rendered or to be rendered in the handling or storage of grain, hay or peas than he demands, collects or receives from any other person or persons for doing for him, or for them, a like and contemporaneous service in the handling or storage of grain or hay under substantially similar circumstances and conditions, or if any such public or terminal warehouseman shall make or give any undue or unreasonable preference or advantage to any person, company, firm or corporation in any respect whatsoever, or shall subject any particular person, company, firm or corporation to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, such warehouseman shall be subject to a penalty, as hereinafter provided.

SEC. 22. Every public warehouseman shall receive for storage and shipment, so far as the capacity of his warehouse will permit, all grain, hay and peas in a warehouse used 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 peas, or as he may demand, giving the true and correct grade and weight thereof: *Provided*, That upon request of the owner, grain, hay or peas shall be put in a special pile without grading, and if grain, hay or peas 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, when re-

Duty to store.

Warehouse receipts.

Storage in special piles.

quested, said receipt shall be subject to a penalty, as hereinafter provided.

SEC. 23. Upon the return of the receipt to the proper warehouseman, properly endorsed, and upon payment or tender of all advances and legal charges, grain, hay or peas of the grade and quantity named therein shall be delivered to the holder of such receipt, within forty-eight hours after the facilities for receiving the same have been provided. If such warehouseman shall fail so to deliver it, he shall be liable to the owner, in damages at the rate of one per cent of the reasonable value of the product for each day's delay, unless he shall deliver the property to the several owners in the order of demand as rapidly as it can be done by ordinary diligence. If, upon such demand and tender, the warehouseman shall fail so to deliver such grain, hay or peas, the person entitled thereto may recover the same by action; and such warehouseman or person or agent in charge thereof shall be subject to a penalty, as hereinafter provided.

Delivery of commodities stored.

SEC. 24. On June 30th of each year every warehouseman shall make a report, under oath, to the commission, on blanks or forms prepared by it, showing the total number of sacks and weight of each kind of grain and peas and bales and weight of hay, received and shipped from each warehouse licensed under this act, and also the amount of outstanding storage receipts on said date, and a statement of the amount of grain, hay and peas on hand to cover the same. The commission may also require special reports from such warehouseman at such times as the commission may deem expedient. The commission may cause every such warehouse and business thereof and the mode of conducting the same to be inspected by one or more of its members or by its authorized agent

Annual and special reports.

Inspection of warehouse business.

whenever deemed proper, 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.

Loading
facilities.

SEC. 25. Whenever required by the commission, every railroad company shall construct and maintain at each station and siding in this state, suitable facilities for the purpose of loading bulk grain direct from wagons into cars for shipment. The commission may require an increase in such facilities or additional facilities whenever it deems it necessary for the purpose of loading.

Inspection
at places
not provided
with state
inspection.

SEC. 26. In case any commodity under the provisions of this act is sold for delivery on Washington grade to be shipped to or from places not provided with state inspection under this act, the buyer, seller or persons making delivery, may have it inspected out by notifying the chief inspector or a chief deputy, whose duty it shall be to have such grain inspected, and after it is inspected, to issue to the buyer, seller or person delivering it, on request, an inspector's certificate showing the grade of such grain. The person or persons calling for such inspection shall pay for such inspection a reasonable fee to be fixed by the commission.

Any commodity under the provisions of this act that is shipped to points within the state where no inspection is maintained, may be inspected on request of either buyer or seller, and a certificate may be issued, showing grade of such commodity. The charge for service provided for under this section shall at least equal the entire cost of such service and shall be paid by the party calling for same.

Samples of
grain com-
modities.

SEC. 27. From all grain commodities inspected or weighed, samples may be drawn, which samples shall become the property of the state and subject

to disposition by the commission under such rules and regulations as it may prescribe. .

It shall be the duty of the chief inspector to transmit samples showing the Washington grades thereof adopted, to the federal government, chambers of commerce, boards of trade, exporters and persons, firms, corporations or associations handling and dealing in Washington grades under such rules and regulations as the commission may prescribe.

SEC. 28. The chief inspector or any inspector, serving under him, before opening the doors of any car containing grain or hay, upon arrival at any of the places designated herein for inspection, shall first ascertain the condition of such cars and determine whether any leakage has occurred while said cars were in transit; whether or not the doors were properly secured and sealed at point of shipment, and shall make a record of such facts in all cases, giving seal numbers. After such examinations have been made and recorded, and the inspection of such grain or hay been made, the said officials shall securely close and reseal such doors as have been opened by them, using the special seal of the said state grain inspection department for the purpose. A record of all original seals broken by said officials, and the date when broken, and also a record of all state seals substituted therefor, and the date and number of said seals, shall be made by such officials. The chief inspector, or inspectors shall break the seal, weigh and superintend the unloading of all cars of grain or hay subject to inspection, and any other person or persons breaking the seal or weighting such cars of grain or hay shall be guilty of a misdemeanor.

Car examinations prior to inspection.

SEC. 29. Any railroad delivering grain or hay in cars at any of the places provided with state in-

Sidetracks.

spection under this act shall provide convenient and suitable side tracks at such places as the commission may designate, on which all cars of grain or hay delivered by them shall, upon arrival, be set and arranged convenient for inspection, and after inspection such railroad company shall promptly distribute all such cars of grain and hay and set them at the proper place or places to be unloaded as designated by the consignor or consignee. Such railroad company shall provide at such place or places as the commission may designate suitable track scales for weighing cars of grain or hay. Such scales shall be under the control of the chief inspector and his deputies. It shall be the duty of the chief inspector or his deputies to require the railroad company to correct all scales so provided as often as may be necessary to insure the correct weighing of grain or hay. Whenever scales have been installed by any railroad company as above provided, it shall be the duty of the chief inspector or his deputies to use such scales in weighing all grain or hay received over the line of such railway: *Provided*, That if any terminal warehouses in inspection cities are provided with proper scales and weighing facilities, the chief inspector or his deputies may weigh the grain upon the scales so provided. The chief inspector or one of his deputies shall, at least once each year, examine, test and require to be corrected all scales used in weighing grain or hay in any of the cities designated as inspection points in this act or such places as may be hereafter designated, and after such scale is tested, if found to be correct and in good condition, to seal the weights with a seal provided for that purpose and issue to the owner or proprietor a certificate authorizing the use of such scales for weighing grain or hay for the ensuing year, unless sooner revoked by the chief inspector or his deputy.

Track
scales.

Annual
test of
scales.

If such scales be found to be inaccurate or unfit for use, the chief inspector or his deputy shall notify the party operating or using them, and the party thus notified shall, at his own expense, thoroughly repair the same before attempting to use them, and until thus repaired to the satisfaction of the inspector or his deputy, the certificate of such party shall be suspended or revoked, in the discretion of the inspector or his deputy. The party receiving such certificate shall pay to the chief inspector or his deputy a reasonable fee for such inspection and certificate to be fixed by the commission, which sum shall be paid into the state treasury. It shall be the duty of the said commission to see that the provisions of this section are strictly enforced.

Fees.

SEC. 30. All railroad companies and warehousemen operating in the cities provided for inspection by this act, shall furnish ample and sufficient police protection to all their several terminal yards and terminal tracks to securely protect all cars containing grain or hay, while the same are in their possession. They shall prohibit and restrain all unauthorized persons, whether under the guise of sweepers, or under any other pretext whatever, from entering or loitering in or about their railroad yards or tracks and from entering any car of grain or hay under their control, or removing hay or grain therefrom, and shall employ and detail such number of watchmen as may be necessary for the purpose of carrying out the provisions of this section.

Police protection.

SEC. 31. When grain, hay or peas are shipped to points where inspection is provided and the bill of lading does not contain the notation "Not for terminal weight and grade" and the grain or hay is unloaded by or on account of the consignee or his assignee without being inspected or weighed by a duly authorized inspector under the provisions

Shipper's weight and grade, where conclusive.

Liability for
unlawful
unloading.

of this act, the shipper's weight and grade shall be conclusive and final and shall be the weight and grade upon which settlement shall be made with the seller, and the consignee or his assignee, by whom such grain, hay or peas are so unlawfully unloaded shall be liable to the seller thereof for liquidated damages in an amount equal to ten per cent of the scale price of such hay, grain or peas computed on the basis of the shipper's weight and grade.

Penalty for
violations
of act.

SEC. 32. Any railroad company or common carrier or other corporation, and any warehouseman, which shall violate or fail to comply with any provision of this act, or which fails, omits or neglects to obey, observe or comply with any order, rule or any direction, demand or requirement of the commission made under the provisions of this act, shall be subject to a penalty of not to exceed the sum of one thousand dollars (\$1,000.00) for each and every offense, and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance thereof shall be, and be deemed to be, a separate and distinct offense.

Offenses by
officers and
employees.

Every officer, agent or employe of any railroad company or common carrier, or other corporation, or any warehouseman, who shall violate or fail to comply with, or who procures, aids or abets any violation by any such railroad company or common carrier, or other corporation or warehouseman, of any provisions of this act, or who shall fail to obey, observe or comply with any order of the commission, or any provision of any order of the commission, or who procures, aids or abets any such railroad company or common carrier, or other corporation, or any warehouseman, in its failure to obey, observe and comply with any such order or provision, shall be guilty of a gross misdemeanor.

Every person, either individually or acting as an official or agent of any corporation other than a railroad company, common carrier or warehouseman, who shall violate any provision of this act, or fail to observe or comply with any order made by the commission under this act, so long as the same shall be or remain in force, or shall procure, aid or abet any such corporation in its violation of this act, or in its failure to obey, observe or comply with any such order, shall be guilty of a gross misdemeanor.

Offenses by other persons.

SEC. 33. If any section or part of a section of this act shall be for any cause held to be unconstitutional, such fact shall not affect the remainder of this act.

Partial invalidity.

SEC. 34. Chapter 91, Laws of 1911, is hereby repealed.

Repealing clause.

SEC. 35. This act, in so far as it embraces the same subject matter, shall be construed as a continuation of chapter 91 of the laws of 1911, and this act shall not affect pending actions or proceedings, civil or criminal, instituted under the provisions of chapter 91 of the laws of 1911, but the same may be prosecuted or defended with the same effect as though this act had not been passed. Any investigation, examination or proceeding, application for reinspection or appeal undertaken, commenced or instituted under the provisions of chapter 91 of the laws of 1911, may be conducted and continued to a final determination in the same manner, under the same terms and conditions and with like effect as though said chapter 91 had not been repealed.

Actions and proceedings under prior law continued.

No cause of action arising under the provisions of chapter 91 of the laws of 1911, or dependent thereon, shall abate by reason of the passage of this act, whether a suit or action shall have been instituted thereon at the time of the taking effect

of this act or not, but actions may be brought on such causes in the same manner, under the same terms and conditions, and with the same effect as though said chapter had not been repealed.

All findings, orders, rules and grades issued or promulgated by the commission under the provisions of said chapter shall continue in force, have the same effect and shall be enforced in the same manner as though this act had not been passed.

Emergency. SEC. 36. This act is necessary for the immediate preservation of the public health, peace and safety, and shall take effect immediately.

Passed the Senate March 3, 1919.

Passed the House March 11, 1919.

Approved by the Governor March 20, 1919.

CHAPTER 190.

[H. B. 111.]

VALIDATING TAX LEVIES OF CITIES OF THE THIRD CLASS.

AN ACT relating to taxation, validating certain tax levies in cities of the third class providing for their collection and amending section 1 of chapter 176 of the Laws of 1915.

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

SECTION 1. That section 1 of chapter 176 of the laws of 1915 be amended to read as follows:

Section 1. That the tax levies made by cities of the third class for the years 1913 and 1914, are hereby ratified and validated wherever the only reason for the invalidity of such tax levy or levies is that the same were made in excess of the limitation prescribed by statute, or were not apportioned according to the provisions of chapter 108, Laws of 1913; and upon the taking effect of this act, the

Excessive and unapportioned levies.