

person who shall then become entitled thereto shall give, convey or transfer such property to or for any of the aforesaid purposes, within one year after the refusal of said person, corporation, association, institution, or other beneficiary to accept said bequest, then such property shall likewise be exempt from payment for such tax.

SEC. 3. The provisions of this act shall apply to all inheritance tax cases pending at the time this act takes effect. To apply to pending actions.

Passed the House March 12, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 198.

[H. B. 482.]

REGULATING TRANSPORTATION OF PERSONS BY MOTOR VEHICLES OVER THE PUBLIC HIGHWAYS.

AN ACT relating to motor vehicle transportation of persons for compensation over the public highways of the State of Washington; providing for the licensing and regulation of motor carrier transportation agents, requiring owners of motor vehicles who transport persons under arrangement made by motor carrier transportation agents to carry insurance and for hire vehicle licenses, defining offenses, and penalties therefor.

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

SECTION 1. (a) The term "motor carrier transportation agent," when used in this act means any individual, firm, copartnership, corporation, company, association, or joint-stock association, and includes any trustee, assignee, or personal representative thereof acting as an intermediary between the public and a motor carrier as herein defined in arranging for transportation, or who sells, offers for

Definitions.
Motor carrier
transportation
agent.

sale, or negotiates for transportation, when such transportation is furnished or offered by a motor carrier.

Motor carrier.

(b) The term "motor carrier," when used in this act means any individual, firm, copartnership, corporation, company, association, or joint-stock association, and includes any trustee, assignee, or personal representative thereof, except those private automobile owners making occasional or casual trips and not engaging therein as a business, transporting or offering to transport persons by motor vehicle for compensation otherwise than under the authority of chapter 111, Laws of 1921, as amended, (sections 6387 to 6397, inclusive, Remington's Revised Statutes).

Agent's license.

(c) The term "agent's license," when used in this act means a motor carrier transportation agent's license.

Department.

(d) The term "department," when used in this act means the Department of Public Service of the State of Washington.

Carrier to have license.

SEC. 2. No person, concern, or entity shall engage in the business or act in the capacity of a motor carrier transportation agent as herein defined without first obtaining a license so to do from the Department.

Application.

SEC. 3. Application for an agent's license shall be made to the Department, shall be verified, and shall be in such form and contain such information as the Department may require.

Hearing upon application.

SEC. 4. Upon receiving an application for an agent's license, the Department shall set the matter down for hearing upon not less than thirty (30) days' notice, and at such hearing it shall take such proof as will enable it to determine whether the applicant is satisfactory, willing, and able properly to perform the functions of a motor carrier agent as herein defined, and to conform to the provisions of this act

Proof to be taken.

and to such requirements, rules, and regulations, as the Department shall promulgate herein. If granted, the license shall contain: (1) name of licensee; (2) location at which licensee is licensed to act as a motor carrier transportation agent; (3) motor carriers for which licensee is licensed to negotiate or arrange transportation for; (4) such other regulations and restrictions as the Department may deem necessary in the public interest in the particular case. The license shall be displayed in a prominent place at the location named therein, and the licensee shall not do business at any other location, save upon permission of the Department first obtained, nor shall such license be transferable or assignable; (5) the fee to be paid to the Department for an agent's license shall be twenty-five dollars (\$25) per year, to be paid at the time of application therefor. Every agent's license shall expire one year from the date of its issuance; (6) the Department may suspend a license for sixty (60) days, pending hearing before it, and upon findings made as a result of such hearing may revoke any agent's license if the licensee in acting as a motor carrier transportation agent has (1) engaged in false advertising or false representations; (2) arranged for, sold, offered for sale, or has negotiated for sale, transportation by any motor carrier operating in violation of law or of any order, rule, or regulation.

Contents of license.

License to be displayed.

License not transferable.

License fee.

License for one year.

Grounds for revocation.

SEC. 5. Before issuing an agent's license hereunder, the Department shall require the applicant to furnish satisfactory bond or insurance to the State of Washington in the sum of five thousand dollars (\$5,000), for the use and benefit of any person suffering injury by reason of the operations of the motor carrier transportation agent holding such license, and conditioned upon the faithful performance of the undertakings of such motor carrier transportation agent. Any person who suffers injury by reason of a breach of the condition of such bond or insurance

Agent's bond

Amount.

Conditions.

Breach liable
for damage
action.

may bring an action thereon to recover damages, which damages shall include such attorneys' fee as the court may allow, plus all costs.

Record of
agent.

Contents.

SEC. 6. Every motor carrier transportation agent shall maintain and keep an exact record of all transactions as such agent, which record shall include: (1) the amount paid to him by each person transported, and by any motor carrier, and the name of each such payor; (2) the point of destination of the haul of each passenger for whom transportation is sold or arranged; (3) the name of the motor carrier performing each such transportation service; (4) the name of the driver of each motor vehicle used in the performance of each passenger transportation sold or arranged; and (5) the license number or other identification plate number, make and motor number of the vehicle used in transporting each person to whom transportation is sold or arranged. The Department or its authorized agent shall be permitted to inspect such records at any time. Every motor carrier transportation agent arranging transportation for persons in private automobiles making casual or occasional trips, and when such private automobile is not engaged in transportation as a business, must provide accident insurance coverage to the amount of \$1,000, or more, for every person for which such arrangements are made.

Department
may inspect
record.

Accident
insurance.

Agent
defined.

SEC. 7. Any individual, firm, copartnership, corporation, company, association, or joint-stock association, and its trustee, assignee, or personal representative, shall be deemed to be acting as a motor carrier transportation agent as herein defined who: (1) orally or by card, circular, pamphlet, newspaper, radio, sign, billboard, or in any other manner advertises as one who arranges for, sells, furnishes, negotiates for, or provides transportation over any street, road, or highway in this state, when such transportation is furnished or offered by a motor carrier as

herein defined; (2) manages or conducts as manager, conductor, agent, proprietor, ticket collector, or otherwise, a place at which such transportation may be arranged, or is offered or proposed to be arranged.

Agent defined.

SEC. 8. Any person acting as a motor carrier transportation agent without a license, or any licensed agent violating any provisions of this act or condition of his license, shall be guilty of a misdemeanor.

Penalty for violation.

SEC. 9. No person, concern, or entity shall engage in the business or act in the capacity, of a motor carrier as herein defined without first obtaining from the Director of Licenses of the State of Washington such license as is required by existing law for a motor vehicle for hire, and paying therefor the same fee as is required by existing law for the operation of such a motor vehicle.

For-hire license.

SEC. 10. Every motor carrier shall likewise, upon obtaining the license hereinbefore mentioned, deposit with and thereafter keep on file with the Director of Licenses of the State of Washington a surety bond running to the State of Washington covering each motor vehicle used or to be used in the business of a motor carrier as defined herein in the sum of one thousand dollars (\$1,000) for any recovery for death or personal injury by one person and five thousand dollars (\$5,000) for all persons killed or receiving personal injury by reason of one act of negligence, and one thousand dollars (\$1,000) for damage to property of any person other than the assured, with a good and sufficient surety company licensed to do business in this state as surety and to be approved by the Director of Licenses of the State of Washington, conditioned for the faithful compliance by the principal of said bond with the provisions of this act, and to pay all damages which may be sustained by any person injured by reason of any careless negligence or unlawful act on the part of said

Bond.

Liability insurance.

principal, his agents or employees in the conduct of said business or in the operation of any motor propelled vehicle used in transporting passengers as a motor carrier over or along any public highway.

Liability insurance in lieu of bond.

SEC. 11. In lieu of the surety bond as above provided, there may be deposited and kept on file with said Director of Licenses, a public liability insurance policy for each motor vehicle operated or intended to be so operated, executed by an insurance company licensed and authorized to write such insurance policies in the State of Washington, assuring the applicant for a license herein referred to, against property damage and upon liability to the public, with the premiums paid and payment noted thereon. Said policy of insurance shall provide a minimum coverage equal and identical to the coverage required by the aforesaid surety bond. No provision of this act shall be construed to limit the right of any injured person to any private right of action against a motor carrier as herein defined.

Provisions.

Injured person to sue on bond or insurance.

SEC. 12. Every person injured by any careless, negligent, or unlawful act of any person, concern, or entity receiving a license as a motor carrier under the provisions of this act, or his, their, or its agents, or employees, conducting or carrying on said business as a motor carrier or in operating any motor propelled vehicle used in said business, and his heirs, executors, and administrators, shall have a cause of action against the principal and surety upon the bond, or against the insurance company and the insured, provided for in the preceding section for all damages sustained, and in any such action the full amount of damages sustained may be recovered against the motor carrier, but the recovery against the surety or insurance company shall be limited to the amount of the bond or insurance policy. A surviving spouse and child or children or if no surviving spouse, then the child or children shall have action

for the death of the husband, wife or mother or father, as the case may be, caused by any such negligence.

SEC. 13. Any person, concern, or entity engaging in the business or acting in the capacity of a motor carrier as herein defined without having first obtained a license from and having deposited a surety bond or insurance policy with the Director of Licenses as hereinbefore provided shall be guilty of a gross misdemeanor.

Penalty for violation.

SEC. 14. This act shall not apply to transportation of persons wholly within the corporate limits of any incorporated city or town within the State of Washington.

Exemption from act.

SEC. 15. In all respects in which the Department of Public Service has power and authority under this act, applications and complaints may be made and filed with it, process issued, hearings held, opinions, orders and decisions made and filed, petitions for rehearing filed and acted upon, and petitions for writs of review, to the Superior Court filed therewith, appeals or mandate filed with the Supreme Court of this state, considered and disposed of by said courts in the manner, under the conditions and subject to the limitations and with the effect specified in the Public Service Commission law of this state.

Procedure of act same as Public Service Law.

SEC. 16. If any provision of this act be invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the act are declared to be severable.

Partial invalidity.

Passed the House March 6, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 24, 1941.